MEMOIRS AND OTHER WRITINGS OF SYED AMEER ALI



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of
SYED AMEER ALI

EDITED BY

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PEOPLE'S PUBLISHING HOUSE
26, Shahrah-e-Quaid-e-Azam, LAHORE

FIRST EDITION 1968

The editor and the publisher are grateful to the periodicals from which the memoirs and other articles have been reprinted in this volume.

Printed by Muhammad Siddiq at Azeem Printers
Published by A. RAUF MALIK

CONTENTS

PREFACE

The writings and utterances of our great men are a valuable asset to us : they are beacons of light with whose help we can determine the right path to reach our future destination. There is, therefore, a pressing need to preserve the writings and statements of those leaders who toiled and strove for our regeneration. The writings and speeches of Sir Syed Ahmad Khan, Maulana Muhammad Ali Jauhar, Quaid-i-Azam Muhammad Ali Jinnah and Quaid-i-Millat Liaquat Ali Khan have been published in Urdu and English but nothing has been done hitherto in respect of leaders like Nawab Mohsin-ul-Mulk, Nawab Viqar-ul-Mulk, Syed Ameer Ali, Syed Ali Imam and the Aga Khan.

Syed Ameer Ali (1849-1928) may justly be considered one of the greatest Muslims of India. He was versatile, both in speech and writing : he was an eminent lawyer, judge and jurist ; a practical leader ; a prolific writer, and, above all, a well-known historian gifted with critical acumen and an analytical approach. Although Syed Ameer Ali—unlike Sir Syed Ahmad Khan—might have not been moved to tears by his fellow-Muslims' plight, he, no less than Sir Syed, devoted his life to their regeneration. But his approach differed from that of Syed Ahmad. From the beginning he believed that the Muslims should organise themselves politically. To him Indian nationalism was a cloak for Hindu domination, and during the last two decades of his life he staunchly supported the principle of separate representation. Outside India, the recurrent crises in Muslim countries, especially in Turkey, then known as 'the sick man of Europe' distressed him ; though a *Shia* he vehemently advocated that Sunni caliphate in Turkey should be preserved as a symbol of Muslim unity.

A Short History of the Saracens, "a mine of authoritative knowledge" on Islamic History, *The Spirit of Islam*, his masterpiece and a "scholarly exposition of the Muslim

religion," these and other publications[1] provide ample testimoney of his untiring energy in the cause which was an article of faith for him. But much of what he wrote has been, hitherto, unknown or unavailable. *The Memoirs and other Writings of Syed Ameer Ali* is an attempt to collect his works in a form readily-available to the general reader.

The present collection consists of two volumes. The first contains his memoirs, articles and letters to *The Times* mostly on the socio-political problems of contemporary India. The second volume, which is in the press, will contain, for the most part, his writings on Islam, Islamic history and Islamic culture. Together, they reveal the critical problems which the Muslim world faced in the late nineteenth and early twentieth centuries and the remedies which Syed Ameer Ali suggested for them.

To maintain uniformity in transliteration I have followed, V.A. Smith's *Oxford History of India* and Steingass' *Persian English Dictionary*. Where neither provides an authoritative version, the original remains unchanged. [2]

A large number of persons have assisted the editor in his work. Special mention, however, must be made of the staff of the Panjab University Library for their ungruding help. Mr. Sher Muhammad Garewal, Research Officer in the Historical Research Institute, has assisted me throughout the editing of this book. His spare moments were spent in reading proofs, checking references, compiling index and making useful suggestions. Mr. Abdul Ghani Bhatti, Stenographer, typed the manuscript. Mr. Abdur Rauf Malik of the People's Publishing House, Lahore, accepted it and was mainly responsible for its Publication. I thank them and all those who helped me in this task of national importance.

S.R.W.

1 A complete list of Ameer Ali's publications has been given in the end of this volume.

2 A list of the major modifications is also given at the end of this volume.

INTRODUCTION*

Amongst the memories I have of Syed Ameer Ali is one that will ever linger in my mind. It was at Pollingfold Manor, his beautiful home in England. We were nearing the end of a glorious summer day and I stood with him at a window overlooking the garden. The air was perfumed with the scent of flowers; the roar and rattle of the London streets was far away, and nothing disturbed the beauty of the evening calm, save the songs of the birds, the lowing of cattle and the whisper of an evening wind through the trees. He drew the curtain aside and as the light fell on him I was struck by his distinguished appearance which was by no means detracted from by the shortness of his stature, while his aristocratic face set off by his thick iron grey hair and his white moustache made him a figure of the utmost dignity.

We talked over the matter that had brought me from town and then turning to general topics, I asked for some details of the history of the house. The Manor was held in the time of Edward the First by William de Pollingfold, more than six centuries ago. In a moment I remembered the motto that the great king had proudly blazoned on his shield—"Keep Faith,"—and I thought how well it suited the present owner; for Syed Ameer Ali kept faith—with his Religion, his Sovereign, and his Country. Just one short year after, when the ripe corn was falling before the scythe of the reaper, full of years and honours, and surrounded by those who loved him, the Angel of Death touched his eyes and he fell gently asleep.

An abler pen must take up the task of describing Syed Ameer Ali's official work; I only knew him as a gifted writer, a sturdy champion of the oppressed, and a friend to the poor and friendless. His literary labours included *The Spirit of Islam* and *A Short History of the Saracens*: the first being a scholarly exposition of the Muslim religion, showing that its teaching was perfectly applicable to modern life, while the latter will always be a mine of authoritative knowledge to any one who attempts a

**Islamic Culture*, Hyderabad, Deccan, 1931-32, Vol. V, pp. 510-542 & Vol. VI, pp. 1-18, 161-182, 333-362, 503-525.

more extensive volume. His mastery of the English language was complete. Sonorous phrases fell easily from his pen and often he would suggest a correction to a memorial or a letter that converted a rough and slovenly rendering of a passage into a model of style.

His letters to *The Times* on matters of public policy in dealing with the Muslim powers, frequently brought him into variance with other public men. Although in controversy he was courteous and good-tempered, he was nonetheless effective. His wonderful command of English rendered him a formidable opponent, while his keen perception made him quickly see the gaps in his adversary's armour. He argued like a practised fencer wielding a light and elegant rapier against the clumsy blows of a heavy broadsword. He was rarely betrayed into sarcasm and I can only remember one occasion in a letter to the press in which he was stung into using it. A writer had suggested that Constantinople should be made a free city and that the seat of the League of Nations should be placed there. Like a flash of lightning came the riposte, when Syed Ameer Ali quietly suggested that Jerusalem would be a more fitting place—"where the reign of peace on earth and goodwill towards men was inaugurated nearly two thousand years ago."

When rebuked by a suggestion that a man occupying his high position in the state should not speak out so boldly in defence of what he considered right and justice, he calmly replied that it was the very position he held that made it a duty for him to speak out. What temporal preferment and honours might have been awarded to him but for his resolute advocacy of certain policies, can only be known to those in power at the time who brushed aside his views which if adopted would have saved many lives and much British prestige.

Despite the gross discourtesy displayed to him by the new Turks, the representatives of the once greatest of Muslim powers, he was never embittered thereby. In fact, when one of his most ardent admirers commented drastically on their behaviour Syed Ameer Ali gently reproved him and counselled—as he always did—moderation.

The foundation of the British Red Crescent Society was, perhaps, the noblest work that Syed Ameer Ali set his hand to. At the outbreak of the War in Tripolitana between Turkey and

Italy, he was struck by the fact that while the various Red Cross organisations did excellent work in their own sphere, there was no great British Society who made it their business to look after the wounded and afflicted who professed the Faith of Islam. With characteristic energy he got to work, and aided by the generosity of H.H. the Aga Khan and other persons of all classes both Indian and English, he launched the British Red Crescent Society, which has since done such admirable work in many parts of the world. The first units were despatched to Tripolitana, where they laboured for two years amongst the Arab victims of that War. I had the good fortune to be amongst the surgeons who went out and it gives me the greatest plesaure to testify to the fact that our work was entirely unhampered by any display of religious bigotry. I well remember taking my final instructions from Syed Ameer Ali. When I asked him if relief was to be confined to Muslims, he replied: "Although your first duty is to the Turkish and Arab wounded, you will never turn away any poor Christian or Jew, who presents himself to you in his hour of need." The spirit thus displayed was faithfully adhered to by the whole of the personnel.

The outbreak of the terrible struggle in the Balkans was the signal for sending further units to the East, and the work of the Turkish Red Crescent was greatly strengthened by the aid thus sent from Indian and English supporters of our Society. Then followed the Great War with its train of misery, suffering and distress. In the first winter two Indian Divisions formed part of our terribly thin line in Flanders. Trench warfare was at its worst. Aided by the generosity of the public, he was able to supply the Indian troops with comforts according to the needs pointed out by their Regimental Officers.

Amongst the many beautiful wreaths that lay upon the tomb of Syed Ameer Ali, was one from two members of the Society, British soldiers who had served and suffered for their country. The red carnations, that formed the emblem of the Society, carried a card on which an attempt had been made to epitomise the charitable activities of the deceased. "By the efforts of this man, the hungry were fed, the naked were clothed, the sick healed and the wounded restored to health. The footsore refugee was helped on his way and many a mother clasps to her breast a living child that otherwise would have perished by the

wayside. The despairing peasant, faced by the ruin of War, was again provided with implements to till the soil and seed corn was placed in his hands."

The home of Syed Ameer Ali was a haven of love and happiness. He was an ideal husband and a perfect father to his sons, guiding their footsteps along the path to manhood, understanding and sympathetic to his many friends and beloved by all who came under the spell of his charm and kindliness.

ERNEST H. GRIFFIN

RECOLLECTIONS

FAMILY TRADITIONS

We trace our descent from the Prophet through his daughter Fatima. Our ancestor, the eighth apostolic Imam, Ali surnamed al-Raza, is buried at Mashhad the principal city of Khurasan in N.E. Persia. His mausoleum is venerated by all followers of the Faith attached to the house of Muhammad. The sanctity of the city finds expression in the following Persian couplet immortalised by the great Central-Asian traveller Arthur Connolly :

"Meshed is the most excellent place on the face of the Earth,
For there doth shine the Light of the Lord of the World."[1]

The descendants of the Prophet in the West (North Africa and Arabia) bear the title of Sherif. In Persia and India they are called "Ameer" and "Syed" both conveying the same meaning. It is analogous to the word *Signor*, used in the middle ages of Europe to designate a noble.

The head of the sect of the Ismalias who profess esoteric doctrines bore the title of "Shaikh al-Jabal" (the "Old Man of the Mountains") and was commonly addressed by his followers as "Syedna" (Our Lord). This was corrupted by the Crusaders in the 12th Century into "Sidney."

In modern times the word "Syed" is used to signify deference and respect to a descendant of the Prophet, as also "Sidi" and "Syedi" both expressions meaning "My Lord."

A large number of the Prophet's descendants settled in the neighbourhood of Mashhad when Ali al-Raza came to Khurasan on the invitation of the Abbasid Caliph al-Mamun.

In later centuries many members of our family held high office under the Sufi Monarchs ; one was a grand-chamberlain to the King who ruled over Persia shortly before the Afghan invasion, another was the Chief Mujtahid (Religious Chief) at Qum, a city in Persia famous for its scholars and the fanaticism of its inhabitants.

[1] "Mashhad afzal tar-i-rui Zamin-ast
Ke anja nur Rabb-ul-al-Amin ast."

The story of my family settling in India is not without interest.

In 1739 the conqueror, the cruel Nadir Shah, had made himself master of Persia. He had beaten the Turks in the West and the Russians in the North. The Timurid or Mughul Emperor who ruled over India about this time was Muhammad Shah. His control over the turbulent Feudatories who acknowledged his sovereignty was nominal. Their quarrels and aggressions supplied Nadir Shah with a pretext for an attack on India. In the army organised for the invasion, the Khurasani contingent from Nadir's own province was under the command of Ahmad Afzal Khan, our ancestor.

The tale of the massacre in Delhi and the sack of the glorious city of Shahjahan under the orders of Nadir Shah is known to most readers of Indian history. Family traditions, however, give a somewhat different account of the cause which led to the dreadful occurrence. The story is that on its capture, Nadir Shah pledged his word to the Mughul Emperor that his soldiers would not be permitted to commit any excesses towards the inhabitants and would abide solemnly by the truce concluded between them. The temptation to the mob to assault the invaders was hardly resisted and the "Badmashes" (hooligans) of the city appear to have attacked straggling parties of Persians. Stray Persians were also murdered in the streets. When this was communicated to Nadir Shah, his fury knew no bounds, and he gave orders for an indiscriminate massacre of the inhabitants. Blood flowed through the city and the innocent suffered with the guilty. Every house which showed the smallest sign of an attack on the Persians was sacked and destroyed. Muhammad Shah threw himself at the feet of Nadir Shah, and begged for mercy for his subjects which, at the intercession of some of the leading Persians nobles, Nadir conceded to the people of Delhi.

When Nadir Shah was leaving India with the Peacock Throne of the House of Babur and the accumulated wealth of Delhi, the Mughul Emperor persuaded Ahmad Afzal (my grandfather's grandfather) to enter his service. The Khurasani soldier obtained without much difficulty the sanction of the Persian Monarch to the transfer of himself and the remainder of his seven thousand horsemen to the service of Muhammad Shah.

In the struggles that followed the departure of Nadir Shah, the Marathas found their opportunity ; they made themselves masters of Delhi and of the weak Emperor.

Ahmad Afzal and his son Muhammad Tahir defended the capital but were overthrown, and Muhammad Tahir was forced to take refuge in Lahore. In the meantime Ahmad Afzal died. At Lahore Muhammad Tahir received an invitation from the brilliant Shuja-ud-daula who had succeeded on the death of his father, Safdar Jang, to the rulership of Oudh. Muhammad Tahir accepted the offer and settled in Mohan.

The descendants of the Prophet (the Syeds) have ever since their arrival in India always settled in townships already occupied by kinsmen who had preceded them in the search for new homes.

The four townships Hillour, Barah in Muzaffarnagar, Mohan and Bilgram in Oudh, were the favourite places at which they congregated.

Mohan, where our ancestor settled, was still a prosperous township when Sir Charles Elliott wrote his chronicles of the district of Unao. Now it is entirely denuded of its old prosperity.

Shuja-ud-daula had married an adopted daughter of the Emperor Muhammad Shah, and was a great favourite both in Delhi and in his own province of Oudh. In 1761 he sent a contingent to the support of Ahmad Shah Abdali the Afghan King, against the Marathas. Muhammad Tahir commanded some of his troops, who bore the fiercest attacks of the Marathas fighting desperately for their lives. Three times has the fate of India been decided on the field of Panipat.

In 1197 Shihab-ud-din Muhammad, the Ghurian Monarch, won the victory which lifted the pall that had hung so long over India. Four centuries later Babur the founder of the Timurid or Mughul dynasty, overthrew the Pathans and seated himself on the throne of Delhi ; and in 1761 a Muslim confederation with Afghan help, under the Abdali King, broke the power of the Maratha host and cleared the way for the establishment of the British Empire.

Ahmad Shah Abdali's victory shattered Maratha power never to rise again to its combined fullness of strength. There is a very good account of the defeat and destruction of the Maratha host which issued from the Deccan for the conquest

of India, in the monograph of "Casi Ram Pandit," himself a Maratha Brahman, but who was in the service of Nawab Shuja-ud-daula of Oudh and was present at the battle, which he styles the last battle of Panipat. This was translated into English by Lieut.-Col. James Brown 30 years after the event.[1]

From Casi Ram's account, there can be little doubt that the Indian contingents were far more humane than the fierce Afghans of Ahmad Shah Abdali, and that Shuja-ud-daula and the other Indian chiefs of the Muslim confederacy saved thousands of the defeated Marathas from the sabres of the Durranis, as Ahmad Shah's troops were styled in history.

How the Marathas requited the generosity and clemency of the Indian Muslims will be found in the Memoirs of two officers of the British Indian Army entitled *Soldiering in India in 1765* recently re-edited by one of their clan, the MacPhersons.

Mohan has produced distinguished scholars and physicians. Hakim Siraj-ud-din Ali Khan, Court Physician to two later Kings of Oudh, built and endowed a great Imambara in his native town.

Among men of learning I must mention the distinguished scholar who edited the *Rahbar-i-Islam*. This work advocated with singular ability the doctrine that prayers offered to the Almighty in any language are as acceptable as in Arabic ; and that the reading of the Quran in the vulgar tongue is as meritorious as in the classic language. Did not the Prophet himself, the *Rahbar* argues, permit his Persian disciples who had no knowledge of Arabic to recite their prayers in their own tongue ? Muhammad Husain laboured to popularise the ideas thus expressed.

Muhammad Tahir's son Mansur Ali Khan, *alias* Munawwar Ali Khan, was my grandfather. It was from his time that most of us had second names. He was in the service of Nawab Asaf-ud-daula of Oudh as a Revenue Collector, a stalwart man, bluff in his ways, rather fierce-looking with his upturned moustache. He figures in the poem of Sauda the poet and panegyrist, which bears the name of *Qasida-i-Shahar-ashob*. In this *Qasida* the poet apostrophises Delhi as "Jahanabad" (short for Shah-jahanabad, the city of Shahjahan), and describes the cruelties inflicted on that ill-fated city.

Mansur Ali Khan was killed about the year 1820 in a battle

[1] Re-edited by Rawlinson, I.E.S.

with a Raja who had rebelled against his liege-lord. Hakim Siraj-ud-din Ali Khan, who had married his sister, took charge of my father's education and brought him up as a physician ; but he had an ingrained roving spirit and chafed at being tied to the profession of a Hakim. Shortly after the death of his mother Amina Begum, he made over his own share of their joint patrimony to his three brothers and obtaining monetary compensation, took to travelling. He travelled throughout the country from east to west several times, and frequently visited a cousin, Jafar Ali Khan who was a Deputy Collector and Settlement Officer under the East India Company at Cuttack in Orissa. During one of his journeys he married the daughter of Shams-ud-din Khan a nobleman of Sambalpur, my mother, who bore him five sons. After his marriage he settled down at Cuttack to be near his cousin.

Whilst living there my father made the acquaintance of Malet, C.S., then Judge of Orissa and of Dr. Mowat then Director of Public Instruction in Bengal. They both persuaded him to give an English education to his sons. Although in those early days English education was not in favour with Muslims, my father felt that the time was coming when it would be an important factor in the growth of the people. Accepting the advice of Dr. Mowat he brought his three elder sons to enter the Calcutta Madrasa, which was founded by Warren Hastings and was then at the zenith of its fame. My third brother was then only seven or so ; I was the youngest but one, and then only an infant. My father himself soon tired of Calcutta which had hardly emerged from the condition in which it was found by the Bokhariot envoy who unmercifully satirised the city in the time of Sir John Shore, about 1806.

My father's old friend Syed Karamat Ali had been appointed a few years before to the Mutawalliship of the Hooghly Mohsin Endowment, and desiring to be near him my father removed from the Calcutta Madrasa and proceeded to Hooghly where he entered the two elder ones for education in the Mohsinia College.

EARLY RECOLLECTIONS

[The] earliest recollection is of a big rambling oriental house

with an old world garden of 3 or 4 acres. The garden to the south of the house was surrounded by a high wall. Mango trees, plantains (bananas) batavian limes, guavas, mulberries, and many others the names of which I have forgotten, filled the garden. About a quarter of an acre was planted with roses, jessamine, the sweet smelling bela, and other flowering shrubs. As I grew up I took a special interest in my garden. Besides indigenous fruits and vegetables, I cultivated English vegetables, the seeds of which I obtained from England, with knowledge of their cultivation derived from "Chambers' Information for the People" which I studied diligently.

I also grew quantities of pumpkins, which with the help of the head gardener I converted into money for the purchase of books or gunpowder, for I began to shoot quite early in life. My elder brothers would not give me any instruction in the use of firearms as they considered shooting a dangerous pastime for a boy ; so with the secret connivance of my brave mother, who was afraid of nothing except ghosts, I learnt to shoot without their aid.

Our "up-Country" Durwan (gatekeeper), a cantankerous Brahman of Doab, taught me wrestling and single-stick. Later he gave me lessons in fencing, but I could never learn to whirl the firestick with his marvellous skill. I also used Indian Clubs from the age of 14. Beginning with 10 seers (20 lbs) each I increased the weight gradually to 20 seers.

We were not rich but in comfortable circumstances. There were only two horses in the stables, one saddle horse which my elder brothers rode alternately and a hack on which I had my first riding lessons. It was scarcely used for driving except when my mother thought (which was very occasionally) of driving to the river-side about two miles from the house with her daughter-in-law, the wife of my second brother.

We also had a resident Maulvi who helped us younger ones in our Persian and Urdu studies. My mother was strict in the observance of the prescribed prayers, and the women of her household were not allowed to neglect them unless engaged on their household duties, whilst the Maulvi looked after the observance of the daily prayers by the men-servants. We boys had to go to school ; so we could attend only at evening prayer.

Besides myself and my youngest brother, the boys of the neighbourhood attended our Maulvi's classes. Often the Muslim Subadars (Indian officers) and well-born sepoys of the Regiment stationed at Chinsura came to join us in the study of the *Gulistan*, the "Rose Garden" of the Persian poet Sadi. Although I was quite young I could follow the conversation of these soldiers with much interest. Once or twice they brought with them a stranger who obviously did not belong to the country. He talked Hindustani fluently with a strong foreign accent and was dressed in Hindustani garments, but I had a strong suspicion that the colour of his skin was not natural. I imparted my suspicions to our dull-witted Maulvi. The talk of our strange visitor always turned upon the greatness and power of the Russian Emperor and on the prowess of the Russian troops and their arrival in India. This was, if I am not mistaken in my recollection, at the time of the Crimean war. The Indian soldiers seemed to me to regard this man with much respect.

Just after the Mutiny my eldest brother left home to enter the service of the Government as Deputy Magistrate and Deputy Collector in Bihar. This was an important office in those days. The after-effects of the great Sepoy Revolt were hardly over; Bihar was in a very disturbed condition and Koer Singh's exploits were fresh in the memory of the daring yeomen who did not readily forget the tyranny of the money-lenders, protected as they considered by British laws. The task entrusted to my brother was to assist in restoring order in the Shahabad District. He appears to have succeeded by means of tact, judgment and conciliation, combined with firmness where needed.

Speaking of Koer Singh reminds me that that sturdy old Rajput *Zamindar*, of whom I myself have only a hazy recollection, would never have gone into rebellion but for the somewhat equivocal conduct of William Tayler, the Commissioner of Patna during the Mutiny. He had invited Koer Singh to Patna with an ill-disguised intention of arresting him the moment he arrived. Koer Singh then applied to Munshi (afterwards Nawab) Ameer Ali, who had been appointed by Sir Frederick Halliday, Assistant Commissioner, and Syed (afterwards Nawab) Vilayat Ali Khan who was helping Tayler to maintain order in the District, for an assurance of safety from arrest. Knowing the intentions of their chief they both refused to pledge their word.

Whatever else may have been said or written on the subject I was assured this was the fact. That same night, on which Koer Singh learnt that the two Nawabs declined to give the pledge, he left Arrah with a large following and the whole of southern Bihar was in a blaze. It was the aftermath of this situation which my brother was called upon to handle. Many of Koer Singh's tenants were wont to enlist in the Company's army. He was followed into revolt by three sepoy battalions of the Dinapore garrison. Koer Singh held out till 1859 when he was struck in the wrist by a musket ball, amputated it with his own sabre above the wound, and died as the result at the age of 76. His surviving followers surrendered under the amnesty.

A connection of our family, Colonel Hidayat Ali, was serving in the Royal Bihar Military Police Battalion. He had been part of the small garrison of the Magistrate's house at Arrah, known to history as the "little house of Arrah," which had beaten off Koer Singh's attacks, unmoved by the taunts and exhortations of his soldiery to revolt.

On the few British officers becoming casualties, he brought the Battalion through the final operations against Koer Singh as Senior Indian Officer. He was afterwards given the rank of Lieut.-Colonel. The Regiment was taken into the regular line after the Mutiny as "Rattray's Sikhs" and has earned further fame in many campaigns.

Soon after my brother was settled in his appointment, my next two brothers went to join him. I was much their junior and was then left alone to pursue my studies under the care of my mother. This meant that they were entirely in my own hands. I was a voracious reader, and had finished most of Gibbon's *Decline and Fall* before I was twelve. Although many parts were too difficult for me to understand and I required to read them over and over again later, the picture of the Roman Empire and its development and the march of the conquering legions enthralled me. But the sixth volume in which the historian describes the rise of the Saracenic power I found especially fascinating.

My father Saadat Ali, had the reputation of being a first class Arabic and Persian scholar. In addition to medicine, which he had studied with his uncle Hakim Siraj-ud-din Ali Khan, Court Physician to the Nawab Asaf-ud-daula of Oudh, he had

devoted himself to the study of Arabian history and philosophy and for some years before his death he was engaged on a history of the Prophet. He had, I believe, nearly completed it when death overtook him. He died of an attack of cholera in 1856. The manuscripts in his own beautiful writing were placed in a chest along with many family records. This chest was left untouched by my mother for more than a year. When it was opened, to our dismay and unutterable grief, we found a reeking mass of white ants—a few fragments only were left of the precious papers. My mother was inconsolable. The loss of many of our family records was, alas, irretrievable.

When I had reached the age of 14, I had a collection of half-a-dozen guns of sorts ; one was a flint-lock converted by the village blacksmith into a percussion-lock which I used as a duck gun with great effect. Two muzzle-loaders of large bore were kept for big game. I made my own heavy bullets, procuring from Calcutta a number of moulds into which I poured the molten lead. This when it hardened left a piece of pointed lead projecting from the mould.[1] When I could not get small shot in the bazaar, I had recourse to an ingenious device of my own to manufacture it. I made small slits in bricks into which molten lead was poured. When the pencils hardened they were cut with a pair of nippers into small pieces, and these were then ground into shape in a common stone-mill used by the household for grinding corn. This made quite useful small shot. Besides these I had a double-barrelled muzzle-loader for snipe, etc. I shot with this numbers of poisonous snakes with which the old garden was infested. One little episode deserves mention. I had a fondness for birds and among others kept pigeons. The dove-cote was over the passage-way leading from the inner to the outer apartments. To my sorrow I found that the young pigeons were unaccountably disappearing. One morning I sent up the garden-boy to investigate the cause. No sooner was he up the ladder than he clambered down shouting "snake, snake." The lad's cries gathered the inmates of the house, among them my mother, who arrived on the scene just as I was going up the ladder with my gun ready cocked in my right hand. To her shrieks and entreaties I protested that I could not risk another boy's life and that it was my own

[1] In the old days in England this projecting piece of lead was known as the "get."

duty to see to my own belongings. A moment's view of a black cobra with distended hood hissing furiously ready to strike, a shot and it lay dead with its head blown off. The least hesitation would have meant certain death. I must confess that though years have passed the vision of that furious reptile still before my eyes gives me a shudder. I would far sooner face a tiger or a bear, the only large beasts I have shot, than a cobra under those conditions.

Once with the same gun that I always kept loaded, I shot under somewhat strange circumstances, one of those green snakes which are said to strike at the eyes of human beings and animals. I was walking up and down the garden reading a book, when suddenly looking up I saw, on the branch of a mango tree a squirrel absolutely immobile as if paralysed. I was puzzled at its attitude and threw a small stone at the little animal. This roused it and it ran away. I then espied a green snake slipping along, fetched the gun and shot it down from the branch.

In those primitive days filters were practically unknown in Indian houses. For drinking purposes we boiled the water; ordinarily alum was used for precipitating the sand or earthy deposit. "Chiraghs" (little earthen spoon-shaped saucers) with a wick in mustard oil were used in kitchen and in the servants' quarters. A lighted wick in cocoanut oil floating in a glass of water under a glass shade lit the principal rooms. Matches were unknown. Small sticks made of the stalks of the flax plant dipped in melted sulphur were used for ignition. These sticks were hawked by the scavenger class and were called "Dya Salai," every household kept a supply of them. The "Dya Salai" did not strike but ignited only when put into the fire which was religiously kept alive for the purpose.

In the cold weather months before I was considered old enough to go for the Christmas holidays, to my brother in Shahabad, I used to organise wild fowl shoots twice a week in the "Jheels" (swamps) up the River Hooghly, with two or three school friends and a servant to pick up the birds. The fate of this lad was sad. He was the same boy who had found the snake among my pigeons. On one occasion when he swam to the middle of a lake to pick up a goose, he was seized with cramp and drowned. Our sorrow at this calamity was acute, and we had not the heart to go to the same place again for a long time. The

inhabitants of the neighbouring village said that the "Jheel" was haunted by a spirit which had seized the boy by the leg and dragged him down ; more likely it was a crocodile.

After that occurrence we employed only local boatmen and fishermen to pick up our birds. I paid a local villager the modest fee of three rupees a month to bring me news when a flock of wild geese or duck arrived on the "Jheels," and hired a commodious boat to take us up the river. We had to leave the house at about 2 A.M. It was bitterly cold, but we had braziers at which to warm our frozen fingers. Two hours hard rowing brought us to the landing-place and half an hour's tramp took us to the "Jheel." It was a glorious night—wild duck and geese, teal and other wild fowl in prodigious numbers feeding gluttonously on the abounding fish. We had "Doongas," (canoes dug out of palm trunk), the "gun" at one end, a man paddling at the other. The four of us never got less than 30 to 50 brace of birds ; not a bad bag for old fashioned muzzle-loaders.

If this book ever comes within the ken of the present day sportsman how contemptuously he must smile at our sporting efforts. But they gave me intense pleasure as also I believe to my comrades. Our sport over, we breakfasted in the boat, and then rowed leisurely back, past numbers of crocodiles basking on the sandbanks in the sun. Some were huge monsters others quite small. These slipped quickly into the water, whilst the big ones moved leisurely and afforded good targets. We never failed to take a shot at the reptiles and occasionally succeeded in killing some.

These wild fowling expeditions were my only pastime in those early days. Later when my holidays were spent at Shahabad, I was able to get some big game shooting with my brothers. When we could not borrow elephants from the neighbouring *Zamindars* (squires), we had often to sit upon the old fashioned Machans, (platforms lashed to trees), on which the sportsman sits whilst the game is driven up to him.

The College at Hooghly was divided into two watertight compartments ; one was called the Anglo-Persian department for Muslim students, the other was exclusively for Hindu youths. Great friendliness existed between them but boys will "rag" and often the Muslim boys raided the Hindus and carried away their books and belongings. I was considered to be one of the

ringleaders. One day a message was brought to me from the Principal—Robert Thwaytes—that he relied on my honour as the brother of his old pupil, Waris, to help him to preserve order. Thenceforth I felt it my duty to avoid giving him any trouble. Two years later the Anglo-Persian department was amalgamated with the other, as the number of Muslim students from one cause and another was fast dwindling.

I think I was 15 or 16 when I first came into contact with our Principal, a tall, strongly built, full-bearded man. Rather grim to look at, his appearance belied the warmth of his heart. I can never be too grateful for the kindness and affection he showed to me. He was one of the best friends of my life and whatever good qualities may lurk in my character I owe, apart from my mother, to my two mentors, Robert Thwaytes, and the really great Syed Karamat Ali, the venerable and venerated Mutawalli of the Shiah religious institution at Hooghly.

I remember well one day Thwaytes coming into our class-room and calling me out. (He often forgot my name and called me by my brother's name "Waris"). I followed him, not without some trepidation as I thought I was in for a "wigging." My fears, however, were soon dispelled; he only wanted to speak to me about the re-opening of the College Department (or University Standard class) which had been closed for some years, and was desirous of getting me to make a list of the young men fitted to "come up" after their matriculation. The list was made, and twenty of us entered the College. Each year some fell out and their places were filled by others, but I stayed on till I took my degree.

I was fortunate enough to retain Thwaytes' confidence and friendship, and when I took my Master of Arts Degree (the first M.A. of the College), he awarded me the Senior Scholarship which I retained for two years.[1]

[1] The influence of Thwaytes for good shows how grave was the mistake made when the policy was introduced of keeping European Educational Officers in India mainly to the Inspectorate. The influence of young Englishmen of *the right type* in direct contact with the pupils is more than ever needed, but now their very recruitment to the Educational Service seems to have been stopped.

SCHOOLDAYS

I think it was in 1868 that Lord Kimberley established the State Scholarships for selected Indian students to pursue their studies in England. Although after taking my law degree, I had been enrolled as a Pleader, Thwaytes advised me to apply for one of these scholarships. I was not readily willing to abandon my already fair prospects of success in the legal profession, but his counsel was so cogent that I set aside my own feelings, the more so as my eldest brother urged me not to forego the chances it offered. I obtained the scholarship and sailed for England early in 1869.

I feel I cannot pass over my College days without mentioning two or three men who greatly influenced my tastes and sympathies, such as Ronald Cockerell, C.S. and Henry Brailsford. Ronald Cockerell was then Magistrate and Collector of the District. He was the younger brother of Horace Cockerell afterwards Chief Secretary of the Government of Bengal under Sir Ashley Eden. I made his acquaintance when I was about 18. I was fairly conversant with English literature and with the Persian and Urdu Poets. Ronald Cockerell was an extremely cultured man, with a wide outlook. He hoped for a time when Indians and Englishmen would work together for the advancement of India, as friends and comrades without bitterness on the one side or arrogance on the other. Men of his calibre were rare then and seem to be rarer now. He was a gentleman by birth and breeding, and despite disparity in age we became great friends. He often came to our house and sent his *Taslim*, (a high-flown salutation), to my mother before the tea was brought in. I gained considerable information regarding the West whilst perhaps I gave him some ideas as to the East. Cockerell was held in great esteem by both Hindus and Muslims. He frequently went to *Durga Pooja* celebrations in Hindu houses where he seemed to receive a sincere welcome, and I often accompanied him on these visits. He spoke Bengali fluently without a trace of foreign accent. His Urdu was not so perfect; but he could follow admirably when I read out to him the Hindustani poets. He died, I think, while I was in England, and these few lines are the only tribute I can pay to his memory.

In those days there was no bitterness between Hindus and Muslims. They both lived and worked together in complete amity and concord; there were no disputes about processions before Mosques during worship, nor any obnoxious parade of the sacrifice of calves or cows during what is commonly called the *Bakr Id* festival. If any dispute arose it was when an ill-mannered domestic fowl chanced to fly from a Muslim house into a Hindu neighbour's courtyard. The apple of discord between Hindu and Muslim in the shape of "communal representation" had not yet fallen between them, and there was no attempt to drive the voters of both communities to a common "hustings." One side was not animated by the ambition of dominance, nor was the other obsessed with the fear of subordination. I had many friends among my Hindu comrades. I frequently went to their homes and they visited mine, in particular one whose mother and sisters I was allowed to see, but not his wife. He had been married when he was 16 years old and his wife was only 13. A Kashmiri Brahman friend well-versed in Persian literature also frequently visited me for exchange of ideas.

Brailsford came to India as Professor of English literature when the College Department was opened. He was, I believe, an Oxford man, highly cultivated and of great intellectual gifts and sympathy. Somewhat shy in manner and of nervous temperament, he had little in common with the majority of the youths who came under his tutorship; their outlook was so essentially local with their eyes glued to their class-books.

I am told that India has radically changed since I left the country. If the system of education has changed and the vast mass of youths who receive an English education have now a broader vision and a wider intellectual sympathy, a greater blessing could not be conceived. I cannot help feeling a certain fear that the rising tide of unregulated Nationalism has had a contrary effect. In my opinion Nationalism pure and simple is a reversion to primitive tribal instincts. The first impulse of primitive man is to club his adversary belonging to another tribe, and to seize his belongings. The present day Nationalist is, speaking with the greatest respect, equally uncompromising and qəually intolerant. And this is not confined to any particular country.

Henry Brailsford found himself in a somewhat uncongenial atmosphere although he strove hard to win the goodwill of his pupils as a whole. Unfortunately he had to return to Europe for reasons of health. When in England I learnt that he had died in Italy.

Owing to our congenial taste in literature he frequently came to my house and I often went to his. I had read a good deal of English literature as well as Gibbon's *Decline and Fall*, most of Shakespeare, Milton's *Paradise Lost*, and his minor poems. I knew Shelley almost by heart, had a good knowledge of Keats, Byron, Tom Moore, Dr. Johnson, Longfellow, and the Lake poets who appealed to the literary taste of the age. I had read all of Walter Scott's novels, Fenimore Cooper, Bulwer Lytton, and Thackeray. Dickens I could not appreciate until I came to England and observed with my own eyes the life he portrayed. I was only then able to grasp the absorbing interest of his inimitable characters, now also beloging to a period which is past. I had already read the *Chronicles of Carlingford*, *Salem Chapel*, *Evelina*, and gone even a little further back to *Pamela*. I had a fair grasp of the History of European and Eastern Civilisation, and had studied the Annals of the War of Independence in North America, and so I was able in some degree to meet Europeans in intellectual sympathy.

It may be useful to those present day Indian students anxious to cultivate their minds, to know how I managed to put in so much reading with other activities. At the beginning of each week I made out a schedule of work to complete at home. The moment, however, my mind flagged, I put my studies aside, and took up a novel or Byron or Shelley or Shakespeare, and after a respite I returned to my work with fresh zest. During term-time on returning home, after a short rest, I went to one of the Professors living near by to study Arabic with him.

With Brailsford we had the late Sir Alfred Croft as Professor of Philosophy. A profound scholar, he proved an efficient auxiliary to the Principal in his educational task. Since those days Sir Alfred Croft has played a great part in the development of Indian education. He became Director of Public Instruction in Bengal, retired some time ago and lived in Devon till his death in 1925.

It was obvious that Brailsford was interested in the intellectual awakening of India, and in watching the development of his pupils. With my friend Cockerell the talk had a political tendency; his great concern was to understand and realise what the slumbering masses of Bengal, mostly untouched by the intellectual movement set on foot during the Mughul domination in Upper India, thought of British rule. I had even then some definite ideas which have not altered much during the last 60 years. But his versatile mind often led him back to the reigns of prehistoric Hindu kings, to a comparison of Pathan and Mughul rulers, the birth of the Urdu language, the poetry of Amir Khusru and Sauda, and his rival Atesh.

It was about this time that Robert Thwaytes took a year's leave, and that kind-hearted and sympathetic scholar Dr. Lobb acted in his place. To Dr. Lobb I am indebted for my acquaintance latter with Dr. Congreve "the sage of Mecklenburg Square". Though I was a mere upper school boy in those days, the friendship of men of this type helped greatly to stimulate my ideals.

Syed Karamat Ali, the Mutawalli (Guardian) of the Hooghly Imambara had travelled far and wide in Persia and Central Asia. A friend and comrade of Arthur Connolly, he had mixed with every sort and condition of men in that distracted region. His historical and biographical anecdotes were illuminated by a humour peculiarly his own. He was for several years at the Court of Fateh Ali Shah, King of Persia, knew Abbas Mirza well, had stayed with Dost Muhammad the Barakzai Ameer of Afghanistan, and was a friend of his brother Abdul Jubbar, familiar figures in Oriental history of the early 19th century, though unknown to the outer world. Whatever knowledge of Muslim philosophy I happen to possess, I owe to that truly great man. Every Sunday morning Maulvi Obaidullah, the Persian Professor and I, breakfasted with the Syed and scarcely ever left before 1 o'clock. We ranged over the whole region of Oriental history and philosophy. The Syed had studied ancient Hindu philosophy and loved to draw comparison between it and the Arabian schools of thought.

A word in passing about Maulvi Obaidullah. He was a scholarly man conversant with English. He took the *nom de plume* of "al-Obaidi." One of his nephews is now a Judge of

the High Court at Calcutta. The family has assumed the name of Suhrawardy, as it purports to derive its descent from a Sufi saint of the middle ages. Maulvi Obaidullah, died some time after my return from England in 1873. He was a man worthy of respect, but he had one failing, common in India, of retailing ordinary gossip without giving due weight to its consequences. He even tried, perhaps unconsciously, to make mischief between me and the Mutawalli. May his soul rest in peace.

Before I left for England, I translated into English the Syed's important work on the origin of sciences *Makhaz-i-Ulum*. He took great pride in my *Critical Examination of the life and Teachings of Muhammad* published before I returned from England. I shall never forget his pleasure and affection when I went to see him immediately on my return to India. His health began to fail him in 1876 but unfortunately the young man whom he had nominated as his successor, for some unaccountable reason, never informed me that he was seriously ill. To my unutterable sorrow I was not present at his death-bed, but I carried out his last wishes. I gave my whole-hearted support to his successor, and protected him from his enemies for 28 years from 1876 until my retirement from the High Court in 1904.

Before I went to England I had my fair share of accidents and illnesses, which, unless one is particularly careful beset Indian life. On one occasion I very nearly blew off part of my face trying to extract a bullet from a heavy muzzle-loading gun. Twice I was attacked by cholera, once very severely when my life was saved by Hakim Mubarak Ali, a very able physician. He was a Persian by descent and was for a time in the service of the Nawab Nazim at Murshidabad, whence he came to Chinsura and set up in practice. His grandson, according to a custom which has grown up in recent years in India, assumed the name of Tabrizi to denote that his ancestors came originally from Tabriz in North Persia. Just before the examination for my degree of Bachelor of Arts (Law), I had a bad attack of malarial fever which clung to me until I came to England. I placed myself in the care of Nawab Syed Vilayat Ali at Patna, who was an enthusiast in Homeopathy but he treated me without success.

ENGLAND

In 1868 the railway from Calcutta did not extend beyond Raniganj.[1] I had therefore to sail from the port.

Sir William Grey was then Lieut.-Governor of Bengal, and I was advised by Thwaytes to see him before my departure for England. He was a stiff man, quite typically bureaucratic, and "did not see *why* I was going to England."

On the other hand the Viceroy, Lord Mayo, was genial and kind. He thoroughly approved of my going and *suo motu* gave me three letters of introduction—one to his brother the Hon. Robert Bourke (afterwards Lord Connemara); the second to Sir William Kaye, the renowned author of the *Sepoy Revolt*, and the third to the Master of Downing College at Cambridge. The impression Lord Mayo made on me has never faded from my memory. He was an imposing figure with courtly manners, a genial voice and a kind heart. I little thought it possible that such a man would meet his death two years later by the hand of an assassin through the carelessness of his guards on the shores of the Andamans.

Other introductions I had were to Lord Lawrence, Lord Mayo's predecessor in Office, and to Sir Frederick Halliday the retired Lieut.-Governor of Bengal who had shared with Lord Canning the unpopularity of the measures taken under the Great Queen to bring about peace and appeasement in India. To Dr. Clarke who, I think, was the Director of Public Instruction, I owe the introduction which gave me the privilege of the friendship of Mr. and Mrs. Henry Fawcett. I had also a letter to the famous physician Henry Hancock of Harley Street, whose son Sir Burford Hancock shortly after became Chief Justice of Gibraltar.

I sailed from Calcutta in December 1868 in the P. & O. steamer "Simla." Neither the ship nor the food in the saloon were at all to my taste. There was a long table at which the

[1] The author was thinking of the Mutiny, when Raniganj was the railhead where all reinforcement from overseas detrained for the area of hostilities many hundred miles "up country". Earthwork and survey were then being carried on to beyond Cawnpore and this was one of the reasons which weighed with rebel elements to bring matters to a head before communications by rail were extended. In 1868 the railway to Bombay was incomplete between Allahabad and Jubbulpore.

Captain presided; at the other end sat the Purser. Each man carved for himself and for the ladies with him, and I had rather a lean time of it. The servant I had taken with me added to my troubles; he was a very particular Muslim and objected to everything on board. I soon found I had no need of a servitor.

At Point de Galle the ship stayed three days and I went ashore with several other passengers. The Muslims of the place somehow learnt that a descendant of the Prophet—a Syed or Sharif—was on board the "Simla," and I was asked to receive a deputation and to accept an invitation to a banquet, at the residence of the principal member of the community, which I found it difficult to refuse. The house of this gentleman appeared clean, spacious and comfortable. The banquet and hospitality were rather overpowering. Many children were brought to me after the feast to receive my benediction. The incident gave me a pleasant impression of the people. These *Lubbays* are descendants of the old Arab settlers on the Island of Ceylon, and have inherited the energies of their progenitors in trade and commerce. In virtue of my descent their women were allowed to apear before me unveiled. They seemed to be taller than the average women of the same class in Bengal, slenderly built and good looking. The men retained their Arab features but were not of such good physique as their ancestors, and were not given to physical exercise. I am told that conditions have changed since my visit and that *Lubbay* youths have taken to football and cricket like the young men of the Indian continent.

On the 21st day after leaving Calcutta we arrived at Suez. The Canal was not yet open and it was a relief to see again the Indian *khansamahs* clad in white, ministering to our comforts in the clean hotel. The next time I landed at Suez the Canal being blocked, we had to travel across by rail to Alexandria. The hotel's occupation gone, it was practically abandoned; we had ourselves to fetch the water for our toilet, there being only one Egyptian attendant to serve meals, such as they were. On the first occasion two days had to be spent at Suez; on the third day we started at nightfall, reaching Alexandria in the morning to embark in the "Ceylon," a small, uncomfortable ship in which the Captain's manners were hardly commendable for courtesy. Seven days in heavy wheather brought us to Marseilles.

In those days there were no "sleepers" on the trains to Paris and no comforts of any kind, even for first class passengers. Meals or a cup of coffee had to be snatched at the different stations. The meals were execrable but the coffee excellent; a wash was hardly possible anywhere.

At the advice of a fellow passenger on the "Simla" I put up in Paris at the Grand Hotel, and knowing no French a *Commissionaire* who spoke English was allotted to me. Old Digard was a linguist but supremely avaricious and he took *sub rosa* a share in the price of whatever I bought. As a consequence I was inordinately "fleeced" in the shops. I visited the Tuileries, the Champs Elysees, the Louvre, and the tomb of Napoleon, and duly admired the Arc de Triomphe and other memorials of Napoleon's victories. In those days I was a thorough-going admirer of the great Corsican, and it was interesting to me, fresh from the East, to see how the French worshipped his memory and traditions. Remembering what I saw then, I can realise the revival of his policy in the present day which has been called by an English writer "Neo-Napoleonism."

In Paris my servant got himself lost. Whilst I was somewhat selfishly congratulating myself on a good riddance, he was brought back to me by Digard at the cost of 25 Francs for board and lodging at some Cabaret and 10 Francs for himself for discovering him!

We arrived in England at the end of January, and I was met at Charing Cross by Abdullah, the Hindustani "coach" to students preparing for the Indian Civil Service. A well-known character, he had come to London some years before, had married an English lady and set up as a "coach," which in those days brought him a good income. I well remember his proud boast of living at "21 Fulham Place" somewhere in Paddington. His letters were headed with a high-flown Persian verse "Makan-am-bast-o-ek Fulham Place ast," that is "the house is at one and twenty Fulham Place."

In Syed Abdullah's house I made the acquaintance of the grandsons of the famous Savoyard soldier of fortune General de Boigne, who served under Madhu Rao Sindia, the powerful chief of Gwalior at the end of the eighteenth century, and heard much about his exploits. He must have possessed considerable military capacity like most of the French soldiers of the time.

His grandsons had come to get translated into English some Persian documents addressed to de Boigne by Sindia. It was years later that I was able to see the imposing monument that had been erected to their ancestor in his native town of Chambery near Aix-les-Bains with its base of four elephants.

I lived in the family of a widow of a clergyman, a Mrs. Chase, until my return to India four years later. She treated me as one of themselves, and I shall always treasure with abiding gratitude their unvarying kindness.

London did not appear to me inhospitable or uninviting as it does to many foreigners. Though I had arrived in England in the depth of winter, I did not find the climate severely inclement in spite of a good deal of frost and snow. Horse buses and "growlers" were the ordinary means of conveyance. Hansom cabs were still too advanced for ladies to ride in. I first became acquainted with the Underground railway when Mr. and Mrs. Fawcett invited me to dine with them shortly after my arrival in England. In the kindness of her heart, Fawcett gave me explicit directions about the trains and the way from Victoria to their home, which was somewhere in Lambeth. I tried to follow her instructions and was half-an-hour late. There was another guest, Sir George Lawrence. I threw myself on their indulgence and was forgiven! Henry Fawcett was indeed a great man and it was a pleasure and a privilege to hear him talk. After that I visited them frequently during my first stay in England. Both husband and wife were ardent advocates of "equal rights for women" and as my sympathies were on the same side, our friendship was not marred by the difference of opinion, much of which was prevalent at the time.

Mrs. Fawcett, now Dame Millicent Fawcett,[1] is still happily amongst us to see the absolute fulfilment of all her and her husband's aims and endeavours. After over half a century's labours her great work in the advancement of the cause of female franchise has received the recognition of His Majesty's Government. On the 1st January 1925 a G.B.E. was conferred on her. It cannot be said any more that the British Government never recognises honest, unselfish labour in the advancement of the public weal.

Early in 1870 a great meeting was held in St. James' Hall in

[1] Dame Millicent Fawcett died in 1929.

support of the female suffrage movement. The speeches of Mr. and. Mrs. Fawcett on that occasion made an ineffaceable impression on my mind and I became convinced that the English law of the time as regards women's rights to their own earnings and property, to the custody of their children, and to the franchise, needed substantial improvement. I saw then how far behind the Muslim law it was in all these respects and the passing of the Married Women's Property Act of 1873 was a satisfaction to me. At the suffrage meeting just referred to, I was seated next to the distinguished American writer and thinker Moncure Conway. We exchanged greetings and our acquaintance soon ripened into warm friendship. Mrs. Conway had social reunions once a week at which congregated *litterateurs*, savants, and distinguished men and women from every part of the world. I attended her receptions frequently and there made the acquaintance of many people whose friendship and esteem I hold and value to this day. One of these was Mrs. Thomas Taylor, who occupied a prominent position in London Society. She had travelled with her husband in Egypt and Palestine, and had visited Constantinople, then, of course, far less accessible than later. She was a consistent supporter and an admirer of Mrs. Fawcett. Her weekly parties represented all the best minds of the liberal party to which she belonged, besides scholars, artists, poets, and other eminent men. Thomas Taylor owned considerable property in Oxfordshire besides Coal Mines and Cotton Mills in the North of England. The kindness and hospitality they extended to me both in town and country has my lasting gratitude. I was a frequent visitor at Aston Rowant, their beautiful home in Oxfordshire where Taylor's collection of famous and choice pictures by modern masters was a feature of the county.

I received much kindness from both Lord and Lady Lawrence, though he was always to me somewhat awe-inspiring. Lord Lawrence was a grand figure, tall, impressive, somewhat grim and taciturn ; not so genial as his successor Lord Mayo, but his personality was indefinable in its imposingness. I was invited to one of his great dinners, at which were present many retired administrators and distinguished Generals, blazing with decorations,—my first experience of a grand or official rather semi-official banquet, and I must confess I was somewhat awed by the galaxy.

Among the great Indian Pro-Consuls who extend their hospitality to me was Sir Frederick Halliday, who had been Lieut.-Governor of Bengal during the Mutiny, and was at the time a member of the India Council. The Marquis of Salisbury was then Secretary of State for India, and received me with his well-known courtesy. Among other questions he put to me I particularly remember one, whether my co-religionists were taking advantage of the new conditions created by the Queen's Proclamation to place themselves on a level with their Hindu fellow countrymen. To this question I could only reply somewhat doubtfully, while referring to the effect of the Rules passed by the Indian Government a few years previously which, by displacing the Urdu language from the position it had occupied until then in Indian Administration, had destroyed their prosperity. Lord Salisbury asked me to explain the matter more fully. What I said to him then is set out in detail in an article in the *Nineteenth Century* written by me 12 years later.

Sir Frederick Halliday was a stately man but genial and pleasant. He gave me much valuable advice which rendered my course easy in England. On one occasion in later years when I was dining with him a telegram was handed to him during dinner which he read out to the company. It announced the victory of Ahmad Khel. This battle took place on the march of Sir Donald Stewart's army from Qandahar to Kabul during the second Afghan war. Tribal opposition gathered, in his own words, "like a thundercloud," and burst on him on his way. It was afterwards reported that a raw British regiment had behaved none too well and that the day had been saved by the steadiness of the Sikhs and Gurkhas in facing the rushes of the Afghan swordsmen. This action dispersed the tribal concentration and cleared the way for Sir Frederick Robert's subsequent march in the reverse direction which for some reason took the popular fancy far more than Sir Donald Stewart's operations.

In later years I knew Sir Frederick Halliday's son and grandson, both men of ability. The former was a member of the Board of Revenue in Bengal, and the latter Commissioner of Police in Calcutta. He is now, I believe, the Chief of the Police Mission at Athens.

Bourke, Lord Mayo's brother, was my sponsor when I was admitted to the Inner Temple. Both he and Lady Susan Bourke, a daughter of Lord Dalhousie the famous General of India, showed me much kindness.

As I had taken my Law Degree at the Calcutta University, I had to undergo no examination. I thus had ample time to devote myself to Chamber work and attend the Common Law Courts, mostly with or for Baylis (afterwards Judge Baylis) in whose chambers I read. He had three pupils besides myself, Norman Bazalgette, Sandbach and young Baylis. Bazalgette was one of the best fellows I have ever met and we became close friends. His father lived some distance from town; Norman had several sisters and they often gave dances to which I was invited. As they could not accommodate all their guests in the house, rooms were taken for them in the neighbouring cottages, but all met at breakfast full of good fellowship.

The last time I saw dear Norman was when he appeared unexpectedly to look me up as I was presiding at the Chief Magistrate's Court of Calcutta, I think in 1878. He watched the proceedings from the Bench with some curiosity. In those days the Magistrates were required to administer an outrageous law which to my mind was very disgusting. A number of the *filles de joie* of Calcutta were every week brought up before the Magistrate for non-compliance with the rules prescribed for their periodical examinations. To my question as to why they failed to attend according to regulations, the invariable answer was that "they had gone to their homes," which the Court Interpreter translated as "country houses!" My friend considered that these girls must be very rich to own "country houses," and it took me some time to explain what was meant. That night we talked over our early days till midnight. Next morning he sailed for Australia and we never met again.

Baylis was most kind and hospitable to his pupils, and treated us as members of his family. After finishing my studies with him I entered the Chambers of Alfred George Martin of the Chancery Bar. Martin later received a knighthood. He had a large practice and his pupils were kept quite busy.

In London Mrs. Taylor and her two younger daughters, who were still children, frequently went with me to the Crystal Palace which in those days wore a much brighter and more

inviting aspect than it has done in later years. In the autumn of 1870 I was in the North of England staying with my kind friend FitzAdam, in his old country residence, and whilst I was there the son and heir of the Lord Crawford and Balcarres of the time brought home his young and beautiful Italian bride. There were great festivities at the Castle on the occasion, to which we were invited, and I thus had an opportunity of getting a glimpse of the old feudal life of England. Twice we went down a coal mine, an interesting experience. I also sat on the Bench, as my host was Recorder.

I spent Christmas of 1870 at Aston Rowant where a large house party was assembled, and that winter I made the acquaintance of several interesting people who have remained my friends. If a stranger with opportunities of observing social changes in England may express an opinion, in those days English Society was not such a close preserve of the monied classes as it became later. One could receive hospitality in private homes without resort to restaurants. Nor were "Salons" the exclusive monopoly of ladies of title; many had circles, admission to which was obtained by personality and not purse. The Americanisation of which Professor Dicey writes in one of his most trenchant articles had not yet commenced.

Almost every family I knew had an evening "at home," Mrs. Vaughan the wife of the Master of the Temple, (afterward Bishop of Landaff), gathered round her a brilliant circle. Through her I became acquainted with her brother Dean Stanley. To know him was a privilege and an honour. Dean Stanley was particularly interested in the development of religious thoughts in India. One remark of his lingers in my mind; it was only a little while after he had heard Keshub Chander Sen in St. James' Hall. Talking of "Brahmoism" he said: "He had heard Sen's address with interest and pleasure, but he doubted," added Dean Stanley, "whether the new cult would ever excite the fervour of its votaries and lead them to undergo sufferings for their creed." I referred to the sufferings of the Buddhists in S. India after Brahmanism regained its ascendancy. He replied "It was a creed and not a mere philosophical aphorism."

At Mrs. Vaughan's I first met Ernest de Bunsen, the son of Baron de Bunsen at the time Prussian Ambassador at the Court

of St. James. He and Madame de Bunsen who was a niece of the great Elizabeth Fry, showed me for nearly 30 years, until their death, great kindness. He was a profound scholar, vastly read in the philosophy of the East and West, and his conversation revealed extraordinary stores of knowledge. I was frequently at their beautiful home in Regents Park—"Abbey Lodge"—with its umbrageous garden. It is now a thing of the past and has been annihilated by the builders of leviathan flats. His *Angel Messiah* is one of the most remarkable works on the Messianic conception.

At the same time I got to know one of the most gifted families I have had the good fortune to meet in England. The four Miss Montalbas were highly accomplished ladies; Miss Clara Montalba[1] was an artist of outstanding talent; Hilda, the second sister, painted with exquisite genius on porcelain. Ellen, who came next, was an accomplished linguist. The youngest, Henrietta, played the violin to perfection. In their company I went in 1872 to the Session of the British Association at Brighton, where I met Edward Maitland the author of *The Pilgrim and the Shrine*, an unforgetable work, and *Jewish Literature and Modern Education*.

The ex-Emperor Napoleon III and the Empress Eugenie, with the young Prince Imperial, were at the Grand Hotel where I was staying at the time. I wore a Fez. In passing me, as I stood aside, the Emperor asked if I was an Algerian. I answered also in French "No, Sire, an Indian, a subject of Queen Victoria." He at once spoke to me in English and asked if I liked England? I answered "I love it." He replied, "So do I, I have received much kindness here," and chatted to me for ten minutes. The Empress was all smiles, a fascinating personality. The young Prince looked so frank and full of vivid life that no one could help liking him. Alas for his death in a savage land.

When there was no evening sitting of the British Association, or other engagement, Cholmondeley the Rector of Ditton (Oxon.) and I went to the pit of the Theatre. Apart from economy, to us it was interesting to hear the comments of the townspeople. Cholmondeley was a great scholar and gifted with a sense of humour which was inexhaustible.

[1] Died in 1929 at the age of 90 at Venice.

At Dr. Schlesinger's house in Bloomsbury I met some notable people. He was the doyen of the foreign press like M. de Wesselitzky in later years. At his wife's Friday receptions were artists, *litterateurs*, scholars and politicians from every country in Europe, musicians such as Joachim and Rubinstein, the famous Madame Mojeska the Polish actress, the accomplished Hamid Bey afterwards Turkish Minister in Brussels, academicians such as Lord Leighton, Alma Tadema and Boughton, and others too numerous to mention.

In the hospitable house of the Boughton's, where I was almost a weekly guest, I met my kind good friend Mrs. Lynn Linton, famous for her "Girl of the Period." She was a remarkable personality ; inspite of her years her mind was as active and alert as that of a woman of 30, and I am indebted to her for much advice in the formation of my literary tastes.

Some of my kindest and most valued friends were Mr. and Mrs. Henry Buckley of Edgbaston, whose son Wilfrid Buckley of Moundsmere Manor in Hampshire has done so much for infant welfare by his strenuous exertions in combating the dangers of tuberculosis and of infant mortality, in forwarding the movement for the Country's supply of clean milk.

In 1871 Miss Manning founded the National Indian Association, which became in her hands a link of fellowship between the English and Indians. The inspiration for the movement came from Miss Mary Carpenter, the design was Miss Manning's and my suggestions as to the name was accepted. In those days there only existed the East India Association, founded by Dadabhai Naoroji. Its object was, however, entirely political. The aim of Miss Manning was to make the National Indian Association the means of bringing Indian students and visitors from India into touch with English social life. Other societies with similar objects have since come into existence, but the National Indian Association under the able and sympathetic guidance of Miss Beck, still retains its pre-eminence and vitality.

While staying at Bangor one autumn, where I had some wildfowl shooting on the Menai Straits, I was advised not to miss the opportunity of visiting Ireland. From the landing at Kingstown to Salt Hill Hotel was some distance, and I took a side car. Unfortunately I ventured to say to the driver "Eringo-Brugh," all the Celtic with which I was cognisant. His face

beamed and his eyes gleamed, and he poured forth a torrent of words which I could not understand. I tried to conceal my ignorance of Celtic by talking Persian to him. At last he quieted down. When I "tipped" him on arrival at the Hotel, he invoked the blessings of all his saints on me. The crowd of beggars of all descriptions, mostly cripples, which surrounded the Hotel every morning was not a pleasant sight, so I left Salt Hill and went on to the Sherborne in Dublin. Here I found bitter feud between Saxon and Celt, but as I was neither the one nor the other I was safely left out in the cold. I had intended to visit Killarney but in disgust I returned to Holyhead on a typical stormy night in the Irish Channel.

It was pleasant to find myself again among kindly people, away from racial feuds.

In 1871 afterwards Mr. Sir Denis Fitz Patrick, G.C.S.I., was in England on behalf of the Government in charge of the well-known "Dyce Sombre Case." Our friendship dated from then, and lasted to the end of his days. When later I was Additional Member of the Viceroy's Council, he was the Legislative Secretary. He was ever a true friend to India.

Henry Channing, nephew of the great Channing, the famous Unitarian preacher and writer, was a man of wide sympathies and still wider outlook. He was an admirer of Abraham Lincoln and agreed with me that the only Holy war ever waged by humanity, save, perhaps, the war of Spanish liberation from the cruel, devastating rule of the Visigoths, was the war for Negro Emancipation. He was greatly interested when I explained that Islam did not recognise human chattelhood and that the brutality which characterised the treatment of the Black Races in the Southern States of America was impossible under Islam. To me, it was astonishing, I told him, that in a civilised community the taint of slavery should last for eight generations, and that a father could sell his progeny into slavery. Channing was much impressed with the humane provision of the Islamic Law, namely that the child of a bondswoman born to the Master is not only born free but causes the automatic enfranchisement of the mother. Such a rule of humanity promulgated in the 7th Century of the Christian Era had no such parallel. Channing lent me for perusal *Clark's Ten Great Religion* and when I referred to the erred to the errors with which the book teemed

he asked me to write something on the subject. This was the genesis of my first book *The Critical Examination of the Life and Teachings of Muhammad.* I spent a good part of 1872 over this work which engrossed all my leisure hours, and it appeared early in 1873 just as I was leaving for India.

A few months later I had the grief of hearing that my eldest brother Waris Ali had died suddenly from heart failure. The gap his death made in my life was irreparable. As a token of my great affection for him I dedicated my book to his memory.

Considering that it was the first presentation of Islam by a Muslim in the English language, I could not have expected a more favourable reception than was accorded to it by that eminent Orientalist Major R.D. Osborn, writing in the *Calcutta Review.*[1]

In 1871 Syed Ahmad Khan (afterwards Sir Syed Ahmad) the great founder of the Anglo-Oriental College at Aligarh, came to England with his two sons. One of them was Syed Mahmud who not long after his return to India as a member of the English Bar was made a Judge of the High Court at Allahabad. He was an able man but unfortunately did not live many years.

Both in England and in India I had frequent opportunities of discussing with Sir Syed Ahmad the position of the Muslims in the political economy of British India, and of their prospects in the future. Syed Ahmad Khan pinned his faith on English

[1] "*The Critical Examination of the Life and Teachings of Muhammad* by Syed Ameer Ali is in one respect a very remarkable work, and most creditable to the author. It exhibits an easy idiomatic command over the English language, and is written in a style free alike from redundancy or turgidness; very rare among educated Englishmen, and quite marvellous in the case of a native of this country. The Syed seems to have shaken himself clear of all the defects of manner which mark the English compositions of an educated Hindustani; the characteristics of his book being an absence of all straining after-effect, and a perspicuous brevity. Regarded simply as a literary achievement, we have never read anything issuing from the educated classes in this country which could be compared with it; and the Muslims of India are to be congratulated on the possession of so able a man in their ranks. It is impossible, if his after-life accords with this early promise that he should not leave his influence for good stamped upon the country in deep and enduring characters. But with the greater part of what the book contains, we differ profoundly, and these differences and the reasons for them we propose in the following paper to set forth in considerable detail."

education and academical training. I admitted their importance but urged that unless as a community, their political training ran on parallel lines with that of their Hindu compatriots they were certain to be submerged in the rising tide of the new nationalism. He would at first not admit the correctness of my forecast, but I believe the birth of the National Congress opened his eyes. In 1877 when I founded the Central National Muhammadan Association we respectfully invited him to give us his valuable support, but he declined. Twelve years later, however, he established the "Muhammadan Defence Association," which I looked upon as rather an unfortunate move, and likely to be considered provocative. But I am anticipating.

I was called to the Bar on the 27th January 1873 along with Henry Bell, afterwards Legal Rememberancer, and J.G. Apcar who became Clerk of the Crown at Calcutta in the eighties. Shortly after my call I sailed for India and travelled by one of the Rubattino Steamers from Genoa to Bombay.

On my way out I stayed a few days in Paris to call on the great Orientalist M. Garcin de Tassy and other friends whose acquaintance I had made in London. M. de Tassy was one of the most charming of men. Both he and his daughter spoke perfect English, but he preferred to speak to me in Urdu (Hindustani) from a natural desire to show his mastery of that language. I confess I have met but few Englishmen possessing such perfect command of it. Among them stands foremost that great linguist Edward Palmer, whose untimely death by murder in the Sinai Peninsula was a loss to Oriental literature. Others whom I should like to mention are Col. Law (Agent to the Governor-General with Sardar Ayub Khan son of the Ameer Sher Ali) and Colonel Mowbray Thompson who was attached in the same capacity to the ex-King of Oudh.

One day after luncheon at M. de Tassy's he showed me over his extensive library, in course of which he recited a good deal of Urdu poetry mostly from Sauda and his friend and rival Atesh.

We stayed at Genoa three or four days as the Italian steamer made its preparations very leisurely, and progressed as leisurely as it had loaded. Port Said, the town which the great Canal had in the meantime produced, did not make a very favourable

impression on us. We had landed after dinner and the lady passengers of our party insisted on having a look at the local Casino. I had warned them that the experiment might not be agreeable. They were, however, insistent. Our first peep passed without incident; this emboldened the ladies to enter the dancing room. No sooner were they seen by the "local ladies" inside, than a rush was made for them. Probably it was sheer pleasantry, but our friends were frightened by the screaming of the harpies and took to their heels, we men behind them running as hard as we could until we reached the Canal. We were able to laugh at the episode afterwards, but at the time it was not a pleasant one.

In the Red Sea the courteous Captain invariably gave us our meals on deck and consulted us on the *menu*. In those days there were no dining cars on the Indian railways and the trains were stopped for meals at certain stations, a system far advanced on what was then in vogue in Europe. We did not fare badly until we passed Buxar. Here the engine broke down and we had to stay in our carriage from 9 A.M. until 3 P.M. tormented by thirst and hunger. But the neighbouring villagers took pity on us and brought us fresh milk in new earthen *gharas* or jars.

STARTING LIFE

When I arrived home at Hooghly I was struck with what appeared to be neglect on every side. The orchard, the big garden, and the flower-beds had lost their old charm. Perhaps the forlorn impression was due in part to a psychological change in me, as I had become accustomed to a wider outlook.

I received a warm welcome from my venerable friend the Mutawalli; he told me that he had my book on the life and teachings of the Prophet translated and read to him by his Munshi and was specially pleased with the Persian motto on the title page. Robert Thwaytes was equally kind in his welcome and gave the whole College a holiday next day. To me this was excessively gratifying, as the College had grown remarkably during the period I had been away in England.

I was enrolled as an advocate of the High Court in February 1873. Old Belchambers was then Registrar on the Original Side; he was a capable man and all the Judges relied on his

knowledge and experience on questions affecting precedent and practice.

I ought to add here that the High Court was divided into two "sides," and so far as I know is still so divided. The "Original Side" as the inheritor of the jurisdiction of the defunct Supreme Court, had absolute Judicial cognisance of all questions requiring determination within the technical boundaries of Calcutta, *i.e.*, the "Presidency Town." The "Appellate side" took cognisance of all cases arising outside of Calcutta in appeal from District and Sessions Courts. Barristers were sworn in before the Judge presiding on the "Original Side" and the old Registrar was the *genius loci* on these occasions.

At that time the English contingent at the Calcutta Bar was very strong and was composed of able men.

Paul was the Advocate-General, my friend James Pitt Kennedy was standing Counsel; J.T. Woodroffe, who succeeded as Advocate-General, Branson, Evans, and T.D. Ingram, were outstanding figures. There were three Indian Barristers, W.T. Bonnerjee, a man of great ability, was the most prominent and successful among them. Monomohan Ghose's work was entirely criminal. Rao Tarukh Nath Palit, who was afterwards knighted for his munificence to the Calcutta University, had an excellent practice in the Mofussil. The English Barristers were most kind to me, in particular Thomas Dunbar Ingram and James Pitt Kennedy, both from the Emerald Isle. Ingram had made a name for himself as Anstey's junior in the great Wahabi case. Anstey, who was at the time a prominent member of the English Bar, went out to defend the accused with Ingram. The trial was held in the Mofussil before Prinsep, I.C.S., who afterwards became Judge of the High Court. Almost the whole of the accused were convicted and their property was confiscated.

What happened some years later left little doubt in my mind that the conviction was an error of justice. The very man who was instrumental in getting the accused convicted exerted himself in obtaining their release. The poor old Ameer Khan, convicted of waging war against the Queen, did not live long to enjoy his freedom. He was knocked down by a hackney carriage and I had, as the Divisional Magistrate, to give permission to the Commissioner of Police to allow the released man's funeral without a formal inquest. Ingram's speech in the

defence of Ameer Khan was a masterly forensic effort.

I was a regular contributor to the *Observer*, edited by Ingram, which was regarded as a powerful journal in Calcutta. This was of some assistance on commencing practice as I had rather an uphill task. I expected no backing and received none. The English solicitors looked upon me as an interloper ; the Hindus frankly disliked me ; whilst the Muslims considered me a renegade because of the English method of life I had acquired. I was determined, however, with the fullest trust in Divine help to succeed inspite of all. I had sufficient success before 1874 was out to be able to clear off my brother's debts, and in 1875 to pay a flying visit of three weeks to England.

Shortly after I joined the Bar I was given a Reportership, which brought me experience as well as emolument. At that time my friend C.C. Macrae, a brilliant barrister, was Clerk of the Crown and had charge of the Criminal Sessions on the Original Side of the High Court. The work of assigning the cases of undefended prisoners lay within his province, and he assigned to me a case of murder of exceptional difficulty. A good-looking Brahman youth who worked in a Hindu family in Calcutta, and was privileged to go into the *zenana* apartments, was found one morning inside the house with his throat cut, and another youth was accused of the crime. I found some difficulty in unravelling the mystery. Whilst I was listening to the case for the prosecution, the Deputy Commissioner of Police came into the Court and gave me some information which furnished a clue to the whole story. I suspected that the murder of the boy was due to his familiarity with the young ladies of the house, and that it was committed by someone quite other than the boy who was accused of it. This youth was only a water-carrier and his life was not considered of much value. I defended him on these lines and was able to convince the Jury that a verdict against the accused would be most unsafe, and they pronounced him "not guilty."

My first two cases, in which important questions of Muslim Law were involved, established me as an expert in that branch of the Law. A little while after I was appointed Lecturer in Muslim Law in Calcutta University. The Lectures were from 9—10 in the morning, and did not interfere with my professional work ; Muslim families in affluent circumstances still existed in the country ; they had not all been wiped

out by the money-lenders and "Mahajans." There was a good deal of work for a lawyer with an established reputation as an expert in Muslim Law.

Lord Northbrook had succeeded Lord Mayo, who was assassinated in the Andaman Islands, and was Viceroy when I first returned from England. He was not a great statesman but was a thorough English gentleman, gifted with sound common sense, courteous and dignified. I received much kindness from him as well as from his entourage, especially General Earle and Major Pomeroy Colley, both of whom unfortunately lost their lives in action, the one at Kirbekan in the attempted relief of Gordon; the other at Majuba Hill. Both of them were greatly interested in questions connected with the propagation of Islam. Later I became associated with Lord Northbrook in the establishment in London of the Northbrook Society. He had often spoken to me in India of the necessity for a society exclusively designed to help Indian students on their arrival in Britain, to put them in the way of things and if necessary to exercise a certain guardianship over them, as he thought the National Indian Association too general to take charge of this duty. He set himself to the task of organising the Society in 1888 which took his name. As I was then in England I was able to give him what he considered a good deal of help in the prosecution of his wish, besides obtaining subscribers in India. It was when working in collaboration with this Society that I made the acquaintance of Sir Gerald Fitzgerald who was for many years Political Aide-de-Camp to the Secretary of State for India, and our friendship lasted until his death.

Lord Northbrook was followed by Lord Lytton, the son of the great novelist. His Viceroyalty is noted, apart from the Afghan troubles, for the assumption by Queen Victoria of the title of "Kaiser-i-Hind," Empress of India. I have been told that the title was suggested by the Viceroy himself. The Prince of Wales (King Edward VII) visited India in 1876.

Lord William Beresford, Military Secretary to the Viceroy from the days of Lord Ripon, was an autocrat. He ruled Society at Calcutta and Simla without cavil or criticism. He also tried, and to some extent succeeded, in introducing the strict etiquette of the Court of St. James' under the great Queen. Newcomers experienced some difficulty, and many democrats from abroad

considered his rulings capricious and arbitrary, but they certainly kept out undesirables. As a man, Lord William not only possessed the high courage which won him the V.C. in the Zulu War, and which, with his innate humour, made him the best of sportsmen ; but he had great kindness of heart, which expressed itself in many a good deed not generally known.

THE MAGISTRATE'S BENCH

About this time I was appointed to officiate in the position of Presidency Magistrate of Calcutta. On the post again falling vacant I was offered it once more, but I refused inspite of the blunt exhortation of Colman Macaulay, then acting Chief Secretary to the Bengal Government.

I had met him on my first visit to England, when he and Denzil Ibbetson had been successful in the Civil Service Examination and were about to go out to India. Ibbetson selected the Punjab, of which he afterwards became Lieut.-Governor, and Macaulay went to Bengal.

In Calcutta, as in England, the Magistrate has no direct control over the police, while the District Magistrate in the Mofussil, the vast tract of country outside the Presidency Towns of Calcutta, Madras and Bombay, is in titular control of the police in his jurisdiction. The system in the Presidency Towns, however good in some ways, has decided disadvantages. The Magistrate cannot himself deal with police irregularities ; he can only report them to the Commissioner of Police or his Deputy.

When I took up the post I found much laxity. Of this I had already been warned by the Deputy Commissioner, Lambert, but had not known how widely it prevailed in the different police areas. The Northern Division was the most populated part of the town, crowded with big houses, tenements, shops, hovels, and inhabited by a heterogeneous mass belonging to all classes of society. It can easily be imagined what a favourable field such conditions afforded for all manner of villainy if the police were in any way wanting in discipline. It became my duty to deal firmly with the bad characters who infested the neighbourhood and with any laxity in the guardians of law and order. Every offence against women and children was visited by the severest punishment I was empowered to inflict and in cases of

second offences it was enhanced by flogging. In a few weeks peaceable citizens were able to go about their business without molestation or threat of blackmail.

Some pitiable cases came before me. An elderly Hindu woman was once charged with attempting to commit suicide ; an offence punishable by imprisonment. I asked her why she desired to take her life. Her story was a sad one. A son who maintained her had died a few months before ; his widow had supported her by begging. This daughter-in-law had also died. The old woman said she had nothing now to live for. I ordered her immediate discharge and a monthly allowance of 3 rupees from the Police box. When the order was explained to her she wept in gratitude. So long as I was Magistrate she appeared every month in my Court on the due date, and invoked blessings on my head. May be it was her blessing which followed me through life.

A young woman with a child in her arms was once charged with the heinous offence of taking a handful of rice worth perhaps a halfpenny from a grocer's shop. I was angry at the callousness of the prosecution. The woman's defence was that she and her child were starving and tempted by the first sight of food she had snatched a handful. I made the same order in this case as in that of the old woman who had attempted suicide.

In the vacation of 1877, I went to England for 5 weeks and took with me the youngest son of Nawab Ameer Ali, who, I thought, would do well withdrawn from his immediate environment. With Lord Northbrook's kindly interest I got him admitted to Balliol.

Sir William Herschell, grandson of the astronomer, who was retiring from the post of District Magistrate of Hooghly, was, on this journey, a genial travelling companion. We toured together through Italy, visiting the Lakes, and eventually took the diligence to Domodossola on the Simplon Pass. The only Inn was a primitive structure, built entirely of wood. We were able to get three cubicles, miscalled bedrooms, but a bath was a thing unknown.

On my return from England Sir Ashley Eden, then Lieut.-Governor of Bengal, sent for me to his official residence, and told me he was keeping the permanent appointment of the Presidency Magistrate vacant in the hope I would accept *it*. I

thanked him for his kindness and said that although my ambitions lay in other directions I was willing to take up the vacant Magistracy on condition that an arrangement could be made which would more or less equalise the emolument of the two Magistrates. He readily acceded to my request and I assumed charge of the Office. Sir Ashley Eden was unquestionably the ablest Governor Bengal has ever had after Sir Frederick Halliday. Gifted with great perspicacity, sound common-sense, and an unsurpassed knowledge of men, he was said by some to be rather hard and uncompromising to those serving under him, but I found him always kind, courteous and not at all difficult to please. I will give only two instances of his reasonable desire to meet the views of his subordinates.

He had entrusted me with the task of selecting a number of Honorary Magistrates for the Town of Calcutta. I submitted six or eight names. Among the Hindus was a prominent politician who had made himself obnoxious by violent denunciation of all Government measures, good or bad. Sir Ashley strongly objected to his inclusion. I pointed out first the salutary effect his appointment would have in imbuing him with a sense of responsibility, and secondly to the fact that I was more or less pledged by my enquiry. Sir Ashley thereupon said "in that case he must certainly be appointed."

On another occasion a report had been made to the Governor by the Deputy Commissioner of Police that I used the power of flogging very sparingly. Sir Ashley sent me a copy of this futile report and wrote himself, asking me to come and see him. I explained that in my view flogging should not be used as a deterrent; that it was loathsome as a punishment in ordinary cases, and that I had made up my mind not to impose flogging except for offences against women and children where the "rattan" would be applied without hesitancy or compunction. The Governor was perfectly satisfied and my Court was not exposed to any more prying.

In those days (I am afraid no change has taken place since) the dispensation of official hospitality for the general public to dinners, balls and receptions, was almost entirely in the hands of subordinates who naturally supplemented their inadequate income by outside "largesse."

One evening, coming down from a large reception at Government House, I found Sir Ashley Eden in the Hall in a towering rage. He called out to me "It is a great scandal that Government House should be invaded by such a rabble; will you undertake the task of making a clearance." I agreed, if it was his wish, to go through the list though I feared it would create a great flutter in the dovecots.

Unlike many who attained that high position he hated sycophancy.

The Port of Calcutta was then frequented by large numbers of sailing ships often under the command of hard, cruel ship-masters, and manned by sailors picked up indiscriminately at any port. The men were often surly, drunken, social outcastes. But as a Magistrate I got on well with all of them, even the surliest behaved themselves in my Court and did not dare to be other-wise than respectful.

About this time a sailing vessel named the "Ganges" came into the Port of Calcutta. Captain Code was the owner and master. And now began a duel between him and his men which became a real scandal. There were daily applications by Captain Code or his men; on the one side for disobedience of orders, on the other for cruelty and ill-treatment. Often the men bore visible evidence of brutality on their bodies. The Lieut.-Governor saw a report of the case, and the Government Prosecutor was directed to appear for the men who by this time had left the ship and had taken refuge with the Harbour-master. Captain Code was represented by Counsel with a notoriety for browbeating Judges and Magistrates. The master was convicted, fined and directed to leave the Port forthwith.

Towards the end of the year my colleague took leave to England and I officiated as Southern Division Magistrate. I then found that the respective work in the two divisions was disproportionate, the cases in the Southern being far fewer. I represented the matter to the Lieut.-Governor with the statistics of the preceding four years. He found my suggestions reasonable and practicable and gave me *carte blanche* for readjustment. Inspite of a representation submitted by my colleague on his return from England, the new arrangement was maintained and facilitated the quick discharge of public duties.

The question of a juvenile Reformatory for Calcutta, had

been under consideration for some time. The acute need for one was understood by all interested in the administration of criminal law and the moral well-being of juvenile offenders. I submitted a representation on the subject to the local Government, and the Reformatory question was taken up with the Governor's usual earnestness and energy. It did not take long to get the Reformatory Act passed into Law and about the middle of 1878 the Institution was opened at Alipore with, I think, 20 boys, under my governorship. One Kirschner, a German who had considerable experience of juvenile offenders and of their tactful treatment, was placed in charge.

I visited the Reformatory on Saturday afternoons, unless sent for on an emergency which was rare. Kirschner's control was firm and mild; and he was very successfully assisted by his wife in maintaining discipline. The boys were contented and seemed well-cared for. The Superintendent trained them in carpentry, turnery, tinsmith's work, gardening, etc., and there were evening classes for the elder boys. Good employment was found for many on the termination of their detention; only a few drifted back to vagabondage but even they came to Kirschner for help and advice in adversity.

For 25 years I laboured to make the Reformatory a beneficent institution, and I only severed my connection with the Reformatory when I retired from the High Court Bench to England in 1904.

Among my duties as Magistrate was one which entailed a great sacrifice of time. As *ex-officio* visitor, I had periodically to inspect the Presidency jail. Apart from the official visits I had often to go and hear the complaints of the European sentenced to detention under the Vagrancy Acts. For some reason they particularly wished to tell their grievances to me, perhaps because I listened patiently and did not treat them roughly or contemptuously, and they knew that so far as possible I would ameliorate their lot. For this small considerateness, the majority appeared grateful, few only were surly, but they were one and all respectful, which was not always, I was told, the experience of others.

PUBLIC DUTIES

I was, about this time, nominated a Member of the Legislative Council of Bengal. There was then no electoral system. The spirit of democracy had not yet grown into an obsession, but the old system also had its drawbacks. Men were selected to represent their people often on account of merit and personal worth, but not infrequently for sycophancy and unmeritorious services. Bengal, Bihar, and Orissa, which then formed the one province of (united) Bengal, was an immense country. In Bengal proper the Muslim element constituted the majority. Their representation, therefore, if honestly and conscientiously undertaken, was not a light task.

Perceiving the complete lack of political training among the Muslim inhabitants of India, and the immense advantage and preponderance the Hindu organisations gave to their community, I had founded in 1877 the National Muhammadan Association. When soon some 34 branches were formed, spreading from Madras to the Punjab, from Chittagong to Karachi, the name of the Association was changed to the "Central National Muhammadan Association," and it became the *de facto* and *de jure* representative organisation of the Muslim community. Non-Muslims were eligible as members, but were not entitled to vote on purely Muslim matters.

That friend of India, Miss A.E. Manning, Secretary of the National Indian Association, did us the honour of becoming a life member. Babu Saligram Singh, a prominent *Zamindar* of Shahabad, and Babu Ganesh Chunder, a much respected solicitor of Calcutta, both Hindus, were members of the Committee. Our programme was primarily to promote good feeling and fellowship between the Indian races and creeds, at the same time to protect and safeguard Muslim interests and help their political training. I felt that great changes were impending in the system of Government, and that unless the followers of Islam prepared themselves they would soon be outstripped in the political race by their Hindu fellow-countrymen.

On my appointment as Magistrate I obtained Sir Ashley Eden's sanction to continue as Secretary of the Association. Its programme of work, its policy of conciliation of conflicting interests, its co-ordination of efforts for social, economic and

political progress appealed to his far-sighted statesmanship and he gave his full support to my labours. Our President was the Nawab Ameer Ali, while the venerable Sheikh Mahmud Khunji, and my esteemed and cultivated friend Sheikh Esau bin Qurtaas represented the rich and influential Arab community. The learned scholar, Shams-ul-Ulama Sheikh Mahmud Ghilani and Mirza Muhammad Khalil represented the large colony of Persians ; Haji Muhammad Zakaria the Memons, Sama-ud-daula Bahadur the Upper India Muslims. These different elements, with many others too numerous to detail, with widely divergent mentalities, required the utmost tact and patience to bring them into line. We had to consider carefully the rapidly changing conditions affecting Muslim interests under British rule. I affirm with gratitude that one and all gave me unstinted help, and if I failed in some of my endeavours to benefit the community such as my ill success in salvaging the Muslim Waqf or dedications, it was not for want of sympathy and co-operation on the part of my colleagues, but from the timidity of the Government. This was after Sir Ashley Eden left India. I may have to recur to the subject, which even after this lapse of years causes me sorrow.

If my memory serves me aright it was in 1878 that the Government decided to appoint a Commission to enquire into the affairs of the ex-King of Oudh.[1] That unfortunate sovereign, in the hands of evil advisers, soon became hopelessly involved in debt, and most of the allowance granted to him by the British Government was sequestrated by his creditors.

His children who were supposed to be receiving education from a number of tutors in fact received none.

[1] This "ex-King of Oudh" was Wajid Ail Shah, still remembered in his old Kingdom for reckless extravagance and weakness of character. He was notorious for his fondness for low company, making favourites of bards, dancers and singers. The state of his Kingdom was the excuse for his deposition and its annexation by Lord Dalhousie in 1856. The sledge-hammer methods of dealing with the often usurped rights of the Taluqdars or Feudal Barons of Oudh, who commanded a good deal of feudal loyalty inspite of their tyrannical methods, and with this the disappointment of the 70,000 of the East India Company's Sepoys who were recruited from Oudh at the loss of their special privileges due to the annexation, were contributory causes of the great Mutiny of the following years.

The Nawab Ameer Ali, who bore the title of Wazir, had in reality no power either to control the capricious extravagance of the ex-King or to prevent the harpies who surrounded him from what was practical robbery. In these circumstances a searching enquiry became necessary to devise, in the first place means of extricating the ex-King from his pressing financial difficulties, in the second place to contrive a check on his own extravagance and the peculations of his courtiers. The Commission was composed of F. Peacock, I.C.S. Chief Secretary to the Government of Bengal (as Chairman), of Colonel Mowbray Thompson,[1] Agent to the Governor-General, with the King, and myself. We had some twenty-five sittings and examined a host of witnesses whose evidence was taken down in writing by a Secretariat Clerk. For these we had to drive at about 3 A.M. to Garden Reach, where great residences built by the Company's magnates in the 18th Century line the River Hooghly, hold our sittings for about two hours and return for breakfast before going to our various official duties. This made a tiring day, but it is quite usual in India for hard-worked officials to be saddled with extra duties of this kind. Often, too, on my evening rides I had to visit the jail.

The work of investigation lasted well into 1879, when the Commission was able to devise a fairly good scheme ; it, however, did not please the King. He was especially angry with me for allotting Rs. 5,000 or Rs. 6,000 out of his allowance of Rs. 100,000 for the education of his sons. I had pressed on my colleagues the absolute necessity of giving the young generation a sound education to make them worthy citizens, pointing out that to let them grow up as mere drones would be a source of danger to the State, and a calamity to themselves. This was agreed upon ; a suitable residence was secured ; an English principal and excellent masters and maulvis were selected. The Institution thus commenced under very propitious circumstances. Alas for the vanity of human wishes ; before I left India it had lapsed into inanition chiefly due to Government indifference, and has ceased to exist.

[1] Mowbray Thompson was one of the only four survivers of the defence of Cawnpore in the Mutiny : the others were Captain Delafosse and two Irish Private Soldiers of the 32nd Regiment, D.C.L.I.

The year 1879 was an unusually busy one for me as I was appointed Chief Presidency Magistrate. This, with the Bengal Council work combined with the Oudh Commission of Enquiry, taxed my strength and I was advised to take leave on Medical Certificate in December. It was rather a bad time of the year for Europe but I was recommended two winters in England with a summer in between.

The winter of 1879 was unusually severe. We were surprised to find it snowing at Suez. For some reason our steamer could not pass through the Canal and we were landed there as guests of the P. & O. Company. We spent a night in chairs at the decayed hotel, the beds being impossible to sleep in. Two Egyptian servants brought breakfast in the most leisurely fashion to the 100 famishing passengers ; no amount of "swearing" would hurry their pace.

The train to Alexandria consisted of discarded carriages of the British Midland Company, the cushions were old and musty, and we had to stuff the windows with papers to keep out the wind. It travelled very leisurely, time seemed of no consequence, and we stopped at every station to Alexandria.

On eventually arriving at Bologna from Brindisi, the cold was intense with the snow piled in the streets almost as high as the ground floor of the Italian houses. Hot water was unavailable and a hot bath a luxury impossible to obtain. On the train to Paris the water was frozen and the conductor suggested our washing in claret. At the big stations we could get hot food, but the astute Italians with true cunning took payment in advance and they gave us soup which was so hot that we could not drink it in the few available minutes. The snow in the streets of Paris was as deep as in Italy, but the French made some attempt at clearance whilst the Italians left nature to take its course.

It was delightful to be in England again, and for the first time in my life to enjoy freedom from pressing work with many months of leisure before me. My old friends gave me the kindest of welcome, and I made many new ones.

I had the privilege of being a frequent guest at the house of the famous Captain Shaw, the acknowledged organiser of the London Fire Brigade whom I met at Abbey Lodge. He was a most entertaining host and was gifted with remarkable insight into human character.

In the house of Sutherland Edwardes, I met the famous War Correspondent, Archibald Forbes, and the then celebrated George Augustus Sala, than whom a more humorous or entertaining man I scarcely ever met. One of his stories convulsed us with laughter and is worth repeating. In a western town of the United States his eye caught the following inscription on the glass panel of a shop. "No trust, no bust, no hell ; we only trust God, everybody else pays cash" ! He was so tickled, to use his own words, with the oddity of the inscription that he went into the shop to ask for enlightenment. He was told that they never gave credit as it led to bankruptcy court ; that's what they meant by "bust" ; the rest was plain enough.

Archibald Forbes had recently been at Plevna and gave marvellous accounts of the heroic defence of Osman Pasha and his inferior numbers agsinst the Russian hordes, throwing them back time after time. The defence of this obscure Bulgarian town was perhaps the first example of what really modern weapons and entrenchments could effect, and showed to those who had sufficient observation what horrors had been added to the possibilities of war. Sutherland Edwardes had been a *Times* correspondent with the Prussian forces during the Franco-German War, and was the author of a very interesting book called *The Germans in France.* His son Gilbert Edwardes was later a prominent official in the London Post Office.

Early in the summer of 1880 I made the acquaintance of James Knowles, which grew into long and lasting friendship. Knowles made himself known to me at the Reform Club as the editor of the *Nineteenth Century.* After a talk on Indian politics he asked me for an article for his Review and left to me the choice of a subject. My first contribution to the *Nineteenth Century* was published by Knowles under the title of *Some Indian Suggestions for India.* It attracted the notice of Lord Hartington (the late Duke of Devonshire), then Secretary of State for India. At his reception at Devonshire House he talked to me for some time on Indian matters. A few days later at his request I went to see him. He put to me a series of questions covering a range of subjects from education to a larger association of the Indian element in the administration of the country. What struck me in Lord Hartington was his enquiring mind, readily open to the reception of new ideas.

Unlike many administrators he even appeared willing to accept suggestions. I ventured to observe, in reply to some of his questions that after the suppression of the Mutiny the British Government made a mistake in not associating, in administrative activities, new elements that were emerging from the chaos. He asked for explanation. I said that if instead of basing British rule entirely on the old conservative forces which were supposed to be in its favour, the younger generation had been taken into counsel at the earliest possible stage of development, the growing disposition to be captious and hypercritical would have been kept under.

One of the points on which I laid stress and which Lord Hartington appeared to approve, was the widening of the Councils and giving them a more popular character. Had he been allowed by circumstances to carry into effect what I believe he had in mind, India would have been better prepared for Montagu's experiment in democracy. The educated classes would have received a solid foundation of political training, and realised the value of compromise and mutual toleration in a country, or continent, replete with bitter divergencies. It was not his fault that the proposition did not mature as he wished; the usual *vis inertiae* frustrated his design.

I have never forgotten a dinner at the house of George Cotter Morrison, the author of *The Religion of Humanity* and of the *Life of Gibbon*, and the father of Sir Theodore Morrison. The guests included George Meredith, Bulwer Lytton, and other men of letters whose names stood foremost in English thought of the time. It is not an exaggeration to say that George Meredith's conversation kept us spell-bound to a late hour.

Lord Stanley of Alderley has been described by his traducers as an eccentric man. I came to know him well and found him remarkably shrewd, well-read and broadminded. His eccentricity in the minds of his detractors consisted in the fact that he had avowedly abandoned the traditional creed of Christendom and had embraced Islam. We had thus, of course, many ideas in common.

I used to be frequently at Abbey Lodge. De Bunsen's enquiring mind interested itself greatly in Buddhism and its influence on early Christian conceptions. He was wont to refer

to the deadening effect of Brahmanism on the Hindu mind after the destruction of Gautama's religion in India, its original home, as the sole cause of the decadence which overtook Hindu India. Very little can be said against this view, which seems well supported by the facts of history.

I came to know Mr. (afterwards Lord) Bryce and was on friendly terms with him until he took up the Armenian cause without giving a thought to the other side of the question. The Armenians suffered terribly, but, as I repeatedly pointed out to Lord Bryce, much of their misfortune was brought on by their adherence to revolutionary movements originating in Russian territory. Previous to this they had lived in amity with their Muslim neighbours. As early as the 15th century four thousand Armenians had been buried alive by the conqueror Tamerlane for assisting the Ottoman Turks in the defence of Sivas.

To Lady Hobhouse I believe I owe among many kindnesses my entree into the Salons of Lady Hatherley and Lady (Roundell) Palmer (afterwards Lady Selborne). Among prominent politicians of those days I was often in contact with John Bright and his brother Jacob Bright, James Stansfeld, and other leading Liberals.

It was a brilliant Season in London, as Seasons then were, with much movement in political and literary circles, music and art playing a great part in it all—the heyday perhaps of the aesthetic movement. Oscar Wilde, its protagonist, was much to the fore, and was frequently met in society. His affectations and attitudinising produced a certain aversion to the man.

In the midst of this I was writing the *Personal Law of the Muhammadans* which I amplified a few years later and which is now incorporated as the second volume of my work on Muslim Law. Having always been an early riser, I worked at it in the early morning. This habit has enabled me still in my old age to get through a mass of work, chiefly literary, without strain or irksomeness, and without interfering with my legal avocations.

At the house of some friends on Friday the 16th July 1880, I met the lady of my dreams who a few years later did me the honour to become my wife.

On returning to India after a year I felt that the time had arrived for me to choose whether I should stagnate in the

performance of work I disliked or resume practice at the Bar with its attraction of variety.

Sir Ashley Eden relieved me of my office in June 1881, with the kindest of messages.[1] I retained my seat on the Bengal Council. I felt that perhaps I had done something to improve conditions ; the police were more careful in their prosecutions, the slums of the Northern Division which abounded with hooligans and bad characters were more orderly ; respectable people could go about without fear of molestation and the Reformatory was established.

The great Dacca Waqf Case, in which I had special retainer for my good friends Nawab Ahsanullah who was a defendant in the suit along with his father, just then came on for hearing. The Advocate-General, J.H.B. Branson, and I were for the defendants. Our client had placed a fine house on the banks of the river and three carriages at our disposal. Meals and servants were provided. A nice Turcoman cob with good manners was every morning sent from the Nawab's stable for me to ride.

We had very heavy work and my task in coaching my leaders in the intricacies of the Muslim Law of Waqf was by no means a light one.

The question involved in the Mysore Appeal on which I was next engaged, was of considerable importance, not merely to the two parties. The father of Prince Halim-uz-Zaman, Prince Ghulam Muhammad, the youngest son of Tipu Sultan, was a mere child when Seringapatam was stormed and taken by the British in 1799. The entire family were brought first to Vellore and then to Calcutta, and a not over-generous provision was

[1] Extract from a letter dated June 13th 1881—from Edward Henry, C.S. then Private Secretary to the Lieut.-Governor of Bengal, afterwards Sir Edward Henry, Commissioner of Police of the Metropolis :

"The Lieutenant Governor desires me to take this opportunity of saying that he has the fullest appreciation of the admirable manner in which you have performed your duties as Magistrate of Calcutta and of the independence and tact with which you have maintained your position. He will always be glad to forward your views in any way in his power and will continue to avail himself of the advice and the information which you have always been so ready to give on matters affecting the welfare of your countrymen. I am, Yours very truly,—Ed. Henry".

made for them.[1]

Whilst engaged in this Mysore Case, the Lieut.-Governor sent for me to take my advice as to the desirability of intervening to bring about a settlement in the Dacca Waqf Case. The Commissioner of the Division had, I believe, strongly urged a settlement; and I suggested that if the Governor himself were to take up the matter the *amour propre* of both parties would be satisfied, and there would be a reasonable prospect of compromise.

It is to Sir Ashely Eden that the Nawabs of Dacca owe the continuation of their existence; for even if my client had won, the cost of the litigation would have been ruinous. Moreover the result of the case was by no means certain, for much depended both in India and in England on judicial indiosyncrasies. Lord Hobhouse's judgment had laid down such principles as to the Law of Waqf, that in 1913 the legislature had to enact a special law, Act VI of 1913, to validate family Waqfs. Men who had no acquaintance with Muslim Law looked at questions relating to Muslims from the English point of view and tested them by English standards based on principles of English Law. I have always considered that when a Judge has to deal with the law of any particular people he must set on one side all preconceptions and bring to his determination a mind wholly free of ideas fostered by any other system. He must throw himself into the spirit of the law he has to administer. This quality, though very rare is in my belief essential to the administration of justice, especially in the case of India.

It may be of interest to the readers, if there are any, of these recollections, to know that 45 years later, the son of Nawab Ahsanullah impugned the validity of the settlement, and miserably failed before the Privy Council. I withdrew from the Board of the Judicial Committee during the hearing of this Appeal, as "one party" objected to my presence. The judgment of Lord Cave, who presided, was a masterly exposition of the principles governing family arrangements among Muslims.

I would here like to record my acknowledgment of much

[1] Prince Ghulam Muhammad went twice to England, as did once the mother of the deposed King of Oudh, to plead in person his case before the governing body of the Empire. Queen Victoria received him with gracious kindness, which must to some extant have softened his disappointment at the rejection of his claims. (Note re. *Hickey's Memoirs* on the subject).

kindness and hospitality I received on occasions when I was called upon to appear in Courts in the country districts presided over by judges of the Civil Services.[1] Many times I stayed as a guest in the houses of my clients, mostly English planters, or

[1] The following extract from a letter dated 11th May 1884 shews what was sometimes involved by accepting a Brief in those days outside the Presidency Towns :

"I left Calcutta at 9-30 P.M. by the mail train, and arrived at 'Raneegunj at 2 A.M. and then transferred myself to the tender mercies of the Dawk Gharry. I crossed the Damoodar (a river) fast asleep. On reaching Gondashary which is a dry sandy bed of the river in the host season, we found a roaring torrent, flooded by the overnight rains up in the hills. The ponies were driven into the rivulet, but the current was too strong and so 20 collies were employed to drag us across. It took a full hour to traverse 80 yards of ground. There were some very pretty girls bathing in the current who were nearly drifting off. I sent my collies to their assistance—but the Naiads would not design to accept their help and soon regained the banks themselves. It was veryfunny. We arrived at the Circuit House at 9 A.M.; at 12 I went into Court, and had to cross-examine the sub-inspector of police who investigated the case against my clients. He is a most peculiar character. I asked him—'Was it possible for the Prosecutors' people to have concealed the arms in the house of the defendants ! Yes or No, !' He said. 'That requires explanation.' I said 'I don't want any explanation, simply yes or no' He then said 'No.' When I asked why he answered 'No,' he said 'because the villagers guarded' the village. I said 'Do you know that of your own knowledge.' 'Here he began 'Knowledge Sir, is preventative and representative.' I then asked, 'I simply want to know, do you know of your *own* knowledge ?' At last he confessed 'No.' After that I let him down gently.

"I dined with the Collector (District Magistrate), and his wife. 'But for this I would have gone back that very night. As it was I started on Friday at 10 A.M. hoping to catch the 4 P.M. train at Raneegunj, but in the meantime the Damoodar had risen and we, carriage and all, had to cross in a boat, which took an infernally long time, therefore missed the 4 P.M. train and had to stop at the dirty hotel there. It is an evil place. I managed to get an hour's sleep and got up at 1 A.M., woke my servant with considerable difficulty got some collies and told him to take the luggage to the railway station. We caught a train for Calcutta at 2 A.M. I slept till 5 and then got up, washed, packed my bedding, and prepared for arrival at Howrah, which we reached at 5-30 A.M............Had expected that I would have to remain at Bancorrah for 20 days, but my clients begged me to get the case adjourned in order to enabled them to go home to pay the Covernment Revenue, or else their property would be sold up. Therefore, I may have to go up again."

agents for some of the large British firms in Calcutta, who were most hospitable and considerate.

SUPREME COUNCIL AND BENCH

1883 was a momentous year for India. It was during Lord Ripon's viceroyalty that a memorandum had been submitted to the Bengal Government pointing out the anomalous position occupied by magistrates of Indian nationality in dealing with cases in which British subjects were accused of offences committed in British India. They were deemed competent to deal with such offences in the Presidency towns, but the same magistrates were not competent to exercise jurisdiction outside the Presidency towns. Sir Ashely Eden saw the anomaly and strongly urged the Government of India to remedy it. Lord Ripon, on assuming office, agreed with him. A carefully worded section was to be introduced in the Criminal Procedure Code to remove this anomaly. As soon as it became known that the Government of India had the proposal under consideration, the Anglo-Indian Community were thrown into a state of panic. To judge of the feeling to which the projected measure gave rise, one may refer to the pages of Hickey,[1] who was actually despatched to England in the previous century by the "Settlement" to prevent the passing of an Act with the object of placing "natives of India" in possession of equal rights with the "settlers."

On this occasion there was wide talk of seizing the person of the unpopular Viceroy and deporting him to Australia. At the time there were three Indian members in the Viceroy's Council—Maharaja Sir Jotendro Mohan Tagore, Rai Bahadur Kristo Das Pal (the Editor of the *Hindu Patriot*), and myself; and we naturally approved of the projected measure as a step in the right direction. It not only equalised the position of a Mofussil magistrate of similar training and standing with the magistrate in the Presidency towns. It removed an absured race-stigma, without in the smallest degree affecting the safeguards provided by law against the miscarriage of justice likely to be occasioned by race-prejudice.

At the time Anglo-Indian feeling ran so high that the Government of India resolved to jettison the measure. This was chiefly

[1] Hickey's *Memoirs*.

done on the advice of Griffith Evans of the Calcutta Bar, also a member of Council, given to Sir Auckland Colvin. The question then arose as to the attitude of the Indian members. I informed Ilbert the Law Member, who was responsible for the Bill, at a meeting of the Select Committee on the Bengal Tenancy Bill, that we should emphatically oppose Evans's motion. This was conveyed to Lord Ripon, and that afternoon he had an interview with us. We explained our position ; Lord Ripon was very frank ; he said in effect that if we persisted in our opposition, he would have to resign, and asked us to consider whether his retirement should be to the advantage of India. We asked time to consider the matter and consult representative men. Next evening we held a large meeting and after a stormy and somewhat heated debate, I was able to carry my motion for a compromise. Certain safeguards were provided for the trial of Europeans in the Mofussil Courts. At the same time a section was introduced into the Criminal Procedure Code giving to the accused the right to apply to the High Court to transfer a case, if he apprehended a failure of justice.

In the same year the young Nizam of Hyderabad who was not yet installed on the throne, came to pay his respects to the Viceroy. Although he was only 19, he was anxious to obtain his installation as Ruler. The "politicals" as usual raised many difficulties. Lord Ripon was a statesman of great perspicacity, and did not contemn the advice of persons outside the official ranks. He took pains to ascertain the general Muslim feeling on the subject, and acted upon it. Both the Nizam and his young Minister were installed at the same time.

Wilfrid Scawen Blunt and Lady Anne Blunt, who had recently visited Ibn-ur-Rashid, the capable ruler of Hail, in Central Arabia, were touring India. He was very unpopular in England by reason of his avowed sympathy with Pasha, the Egyptain patriot. Naturally he aroused enthusiasm among Muslims of all classes. He had brought several introductions to me from mutual friends and I endeavoured to make his and Lady Anne Blunt's visit pleasant, and our friendly relations continued for many years until I discovered, to my surprise, and natural regret, that the man to whom I had shewn much courtesy and good-will had, in his book of travel, actually imputed to me unworthy motives. This fact came out in a peculiar manner ; a

weekly paper called *India* published in London, in the Congress interest, and of which the editor was an Englishman, whom I had gone out of my way to help in his youth in Calcutta, published under the heading of "Greatness in the Making!" a number of passages from Blunt's book in which I was traduced and represented as a man of weak and shifty character ; and my attitude about Lord Ripon's Ilbert Bill was grossly misrepresented. After that I felt it impossible to maintain friendly relations with either the author or the disseminator.

In August of 1884 I was briefed for the defence of an important trial before the Sessions at Karachi in Sind. Inspite of the immense distance I felt it my duty to undertake the journey. It also gave me the opportunity of visiting Lahore and seeing all the interesting architectural remains of the Mughul Emperors. A day had to be spent *en route* at Multan, one of the hottest places in India, where people sleep on the watered roofs.

The circumstances of the case at Karachi had created a great stir among the Muslims of the Punjab and Sind. From Lahore to Sukkur where we crossed the Indus, I was waited upon at every station by crowds of people of all classes bringing flowers and fruit, and presenting addresses. On the ferry-boat at Sukkur a deputation read me a glowing welcome to their ancient city. These disconcerting interruptions made progress uncomfortable. The fate of some hundred and fifty of the most respectable citizens of Sind depended on the success of my efforts to rescue them from the network of conspiracy in which they had become involved.[1]

A Hindu married woman had fallen in love with a Musilm and run away from home. She came to the local mosque and asked the Imam to make her a proselyte to his faith. The Imam refused and handed her over to her relatives who had pursued her. On her return to her husband's home she appears

[1]Extract from a letter dated Karachi 4th September 1884 :

"At Rohri the station on the other side of the river to Sukkur, a deputation consisting of several thousand people waited on me, and presented me with a flaming address. At Sukkur (an hour after) I received another deputation, and so on at every station with garlands and bouquets of flowers and thousands to kiss my hand. I arrived here at 7-30 A.M. on Sunday and was received by a grand deputation and a brilliant address. Ten thousand Muslims had gathered to kiss my hand, and when I appeared in court the crowd was terrific."

to have been cruelly beaten. She ran away again and was once more recaptured. The complainant's story was that the Hindu crowd who were taking the wayward lady to the temple where she had to do penance and was to be received back into caste, were attacked by a large body of Muslims, some on horseback, other on foot, all armed with swords, spears, firearms, or lathis (quarter-staffs) and that the woman was forcibly carried away by the assailants.

Some days later she was recaptured and brought before the Subordinate Magistrate to whom she told an astounding story. She denied the alleged attack, and stated that on the way to the temple she had seized an opportunity of escape; that she had been horribly ill-treated and did not want to return to her husband as she was certain to be murdered; and that she had been hiding ever since her escape. The woman was made over by the complainant Magistrate to her family. This of course gave them a splendid opportunity for "tutoring" her, in consequence of which when brought before the superior court she retracted all her statements to the Subordinate Magistrate and implicated all the accused as having participated in the attack on the party which was taking her to the temple.

The Magistrate thereupon committed the accused to the Sessions Court for trial. They included the prominent men of the locality and the neighbouring villages and townships. Had the prosecution succeeded in "netting" these men, it would have proved a splendid "scope", and the Hindu money-lenders and speculators would have gathered a fine harvest. The Sessions Judge, Colonel Grant, was a fine specimen of the British Military Officer. He was, naturally, not a great lawyer, but had sound common-sense, perspicacity and knowledge of men with whom he had to deal. It is a pity that the administration of British India is now deprived of men of this type.[1]

Under the Law the case was triable with the aid of what are called in the Procedure Code "assessors" Colonel Grant, the

[1] Military officers were formerly taken into the administrative cadre of what were known as non-regulation Provinces, such as the Punjal, Sind, Oudh, and the Central Provinces. They were especially selected officers of the British Indian Army and therefore had had opportunities of acquiring Knowledge of the country, and often made excellent administrators and Judges.

Judge, would not permit either a Hindu or a Muslim to have anything to do connected with the trial, in view of the communal issue involved. He chose as assessors a European, a Parsee, and a Eurasian (Anglo-Indian as now styled since Lord Hardinge applied the old term, then denoting Britons resident for the time in India, to the domiciled European community).

The Hindu community, it was reported, had subscribed a lakh and fity-thousand rupees (then about £5,000) for the prosecution. The Muslims were comparatively poor, and consequently made a smaller display of legal talent. Russell of the Bombay Bar, afterwards a High Court Judge, was briefed for the prosecution. My opponent appeared to labour under great nervous excitement. He was not only rude to counsel for the defence, but was discourteous to the Bench, and waspish to the assessors when either of them asked questions necessary for the clear understanding of facts. In opening my address for the defence, I was constrained to remark that the intemperateness shown by my learned friend was evidently due to the climate of Bombay, that in Calcutta we were blessed with a more temperate atmosphere. This enabled things to proceed more calmly. I called no evidence for the defence, as, I told the Court, I hoped to show from the evidence for the prosecution that the story was a tissue of falsehoods. The case lasted, if I remember rightly, 12 days. I began my address on a Friday morning and continued speaking until next midday. By then I felt that I had broken up the case for the prosecution and that acquittal was pretty well assured. My opponent floundered for the remaining half of the day, but made no headway. On the Sunday morning I left to catch the Mail steamer on my way to England. Immediately on my arrival, even before I landed at Bombay, I was met by Hasan Ali's (my junior) most welcome telegram "all acquitted."

I had spent a very pleasant though extremely strenuous time under Hasan Ali's hospitable roof. On the Sunday after my arrival in Karachi I was taken to a public meeting convened by the Muslim notables of the city, to deliver an address on Muslim education in Sind. The meeting was crowded and numbers of people could not gain admission. My speech was in Urdu ; and I am glad to say had the effect of fostering a much desired movement. Hasan Ali's and his

colleagues were soon able to lay the foundations of the Islamic College in Karachi, which I believe is still flourishing.

Among those acquaintance I made during my stay there was Sardar Sher Ali Khan who had been Wali or governor of Qandahar under Ameer Sher Ali. He had been expelled by Ameer Abdur Rahman, and took refuge with his family in Karachi. A more cultivated or courtly man I have not met either in Europe or in the East. His knowledge of the West was derived from books or newspapers, translated and read to him, and was remarkable. And his questions regarding the systems of government in European countries and the condition of the people, showed keenness and perception. His youngest son, aged about 18, handsome, straight as an arrow, with the eyes of a hawk, interested me and I remarked that, if life was vouchsafed to the lad and he was not won over by Abdur Rahman, he would be a thorn in the side of the new Ameer's family.

A month later I was married in London after an engagement of four years.

That year there was a severe epidemic of cholera in Italy involving quarantine and a diversion of mail passengers. We therefore travelled by Vienna and Trieste, and thence by the Austrian Lloyd Steamer "Vesta" to Alexandria. This was a small paddle-steamer which carried a few saloon and many deck passengers and cattle to Corfu. Of the Italian-speaking crew I have not forgotten the idyllic name of the stewardess who had sole charge of the first-class passengers—men and women. "Lucia" was old but by no means infirm, and was kept on the go all day serving meals in the cabins to prostrate passengers during a typical Adriatic storm ; and ministering to them most of the night.

Among our fellow-passengers were Prince Charles of Sweden, his secretary and his aide-de-camp, all exceptionally tall men ; and there was some speculation as to how they could fit into their tiny cabin with its unusually short berths. Another interesting fellow-passenger was a Court Tolstoi, of the household of the Czar, who spoke nine languages. The Austrian Lloyd provided no luncheon ; 4 o'clock was the dinner hour, and a "nursery tea" with boiled eggs handed in a basket finished the day's meals.

In those days arrival at Alexandria was fraught with some danger of being torn to peices by rival porters soliciting for patronage ; and after the turmoil of landing and a night's railway

journey across Egypt, it was a welcome change to embark in the P. & O. "Venetia" calmly awaiting our arrival with the mail at Suez. We made a short stay in Bombay with the pioneer lady-doctor—Dr. Edith Peachey of the Cama Hospital.

Not long after my wife's arrival in Calcutta she took up the problem of providing efficient medical aid for Indian ladies who, owing to social restraints, would not be attended by male physicians.

When the Countess of Dufferin organised her great "Fund for Medical Aid for the Women of India," the lady-doctor who was on her way to start this practice was called upon under the Fund to take charge of dispensary and cottage hospital for women and children, which was I believe the first of those beneficent institutions which were soon to be opened all over India. From this small beginning, which in the second week of its existence attracted 100 outpatients a day, grew the present Dufferin Hospital for women in Calcutta, which has several times had to acquire larger buildings in order to meet the growing needs of the people. One of the crying necessities of India at the present day is still for more and more qualified women doctors. There are numbers, it is said, ready to take up the good work which now comes under the control of a government department.

I was obliged in 1885 to go to Simla for the passing of the Bengal Tenancy Act. A great responsibility rested on me as a member of the Select Committee charged with the duty of guarding the interests of the *ryots* (tenants), a trust which I succeeded in filling in large measure. The Act from the *ryots'* points of view effected a considerable improvement in their legal rights and position. Babu Peary Mohan Mookerjee (created a Rajah and C.S.I. in 1887) was the champion of the land-holders and on the passing of the Act complimented me on my consideration for their safeguards.

We spent that autumn at Simla. It was not an unusual thing to be held up by leopards crossing the narrow paths when we were going to parties at night, also to see concourses of large grey monkeys on the hill-tops by day. And it was quite a daily diversion to observe the small monkeys which abound near the houses on the hill, considered sacred to them, peering over the eaves into one's room, curious to watch the manipulation of a pair of hair brushes.

On one occasion when we were out for a walk along the wooded paths, two innocent-looking small Himalayan wolves sauntered across our way.

Of the people we met during our comparatively short stay in the "Abode of the gods", I retain a vivid rememberance of Sir William Aitchison, then Governor of the Punjab, and of his old-world courtesy. He was a civilian who maintained all the traditions which made the mutual relations between English and Indian cordial and friendly. His memory is still fresh in the hearts of the people of the Punjab. After the Government of India Resolution of the 5th March 1885, he established eighty scholarships for Muslim students in his Province.

Sir Rivers Thompson Lieutenant-Governor of Bengal, likewise encouraged English education and established 120 scholarships for Muslim subjects of the great Queen. This Resolution has a history of its own ; and as the Muslims of India have short memories, I may mention its genesis. Ever since my return home I have been studying the painful subject of Muslim decadence under British rule—both its cause and its far-reaching effects. As I have already mentioned, the East India Company had, in about 1760, under a grant from the Mughul Emperor, taken over the control of the revenues of three of the richest provinces of the Mughul Empire. This involved administration by the Company's servants. In 1802 Lord Lake obtained from the Mughul Empire for the East India Company the title of "Vakil-i-Mutlak," and the delegation of absolute authority as a deputy of the Sovereign, which meant the complete supression of the Maratha Chief who was expelled from the capital. This was a "trading company" to use Lord Brougham's expressive language, "installed as a sovereign power over an Empire." From this time forth the Muslims held a prominent position under the Company's rule. The causes of their declension and their gradual and steady eviction from place and power were traced in an article of mine in the *Nineteenth Century* of June 1882, which evoked great wrath from the *Hindu Patriot*, usually a well-balanced paper. Other journals were actually violent in their expressions. Upon this article a "Memorial of the Central National Muhammadan Association" on the subject to the Viceroy, was based. Lord Ripon left our representation to be dealt with by his successor. I was accorded the privilege of seeing the draft reply before

the question was finally disposed of. Its equitable treatment of the Muslim claims had a good effect ; but the pendulum has swung back in the course of the forty years which have elapsed from that date.

Sir Syed Ahmad at last realised the danger of confining the intelligence and activities of the Muslims to a purely academical education, and of keeping them aloof from political training. Shortly after that he established the "Muslim Defence Association," but the ground that had been lost could never be regained.

The "Central National Muhammadan Association" pressed for the appointment by the Government of a Muhammadan Endowments Committee, to consider how such endowments were being utilised to promote the welfare of the Muslim people. Our submission for the consideration of the object of the Committee was set forth in a Memorandum which bore the signature of the pre-eminent men among Muslims in Bengal. Pursuant to the Resolution of the Government of India of 1885, the Eastern Bengal and Assam Local Government issued a Resolution which is worthy of note.[1]

During these years I managed inspite of heavy professional work to contribute several articles on Indian questions to the *Nineteenth Century*. One on the "Land Problem of Bengal" drawing attention to the needs of improvement in the condition of the *ryots* led to the passing of the Tenancy Act mentioned above.

Shortly after Lord Lansdowne's accession to the Viceroyalty he offered me the Judgeship of the Calcutta High Court vacated by Sir Romesh Chunder Mitter, a man gifted with strong common-sense, a quality of inestimable value in a judge. His son, Binode Chunder Mitter, a young man of great capacity, began his practice before me. By his ability he has won great distinctions ; he is Sir Binode Chunder Mitter and is said to be commonly called the "Lion of Bengal" though my recollection of him is more like that of a lamb.[2]

[1] *Not found.*

[2] Sir Binode Chunder Mitter was sworn of the Privy Council for Service on the Judicial Committee thereof, in the post left vacant by the death of the author.

I experienced the usual hesitation of a barrister to abandon his practice—but yielded to the advice of friends on the Bench.

The Chief Justice for some time would not regard me as a "Barrister-Judge" and I was not allotted to the "Nisi Prius" Bench on the "Original Side."[1] However, when the Chief Justice found that the work had become much congested he sent me to clear off the arrears. Barristers and solicitors

[1]It will be seen from the letters below that this matter was rectified:

Copy of letter from Sir Comer Petheram of Calcutta, August 6th 1893—

DEAR MR. AMEER ALI,

Until the matter was mentioned the other day I had quite forgotten that the judges were classified in the return. I have asked Mr. Carnduff to circulate a proposal on my part that the portion of the form which contains the classification should be ommitted in future, and if the judges agree this will be done; if they do not, and you think the return is incorrect, I would suggest that you should bring the matter before the Court, as the Court alone can change the form in use.

With reference to the remaining portion of your letter, I can only make the reply which is suggested by the latter itself, that the responsibility of forming the various benches rests with me and that in forming them I have acted and shall continue to act to the best of my judgment.

I am, my dear Ameer Ali,

Yours sincerely,

(Sd) C. PETHERAM.

To which the author replied:

DEAR CHIEF JUSTICE,

I beg to thank you for your reply of the 6th instant to my letter of the 4th.

I am afraid you have misapprehended the purport of my letter, I am quite indifferent as to the *form* of the retruns. My protest was directed against my misdescription as a non-barrister-judge.

As regards the subject of my exclusion from the Original Side of the Court, also, you seem to have misapprehended my meaning. What I desired to point out was that, taken in conjunction with the misdescription in the Returns my exclusion appeared to be part and parcel of a deliberate and settled policy to ignore my status as a barrister-judge. In the one case my name is incorrectly returned to Government as a non-barrister-judge and, as a corollary to this misdescription, I have been invariably and persistently excluded from taking any part in duties which are usually performed by the barrister-judges.

Under the circumstances I cannot help feeling I have a very valid ground for complaint and protest, though I have to thank you for the courtesy which has induced you to endeavour, however imperfectly and partially, to remove the cause of my complaint.

alike assisted me in accelerating the disposal of the work by not taking up unnecessary time once they saw that the point of their arguments had been grasped. In six weeks the list was reduced to normal dimensions.

When the old Supreme Court was abolished in 1869 and replaced by the "High Court," it was vested in its ordinary original Civil and Criminal Jurisdiction with all the powers and functions of the Supreme Court. Until quite recently "barrister-judges" *i.e*, judges trained and qualified in England, only sat on the "Original Side."

It always gave me pleasure to extend a helping hand to junior counsel commencing practice at the Bar, for a judge may easily make or mar a young man's career. I knew this from my own early experience, and therefore tried to help juniors if I found them struggling in difficult waters. And, though in the profession memory is proverbially short, there may still be a few who remember.

One of the interesting cases before me was a Salvage Case[1] in the Admiralty Jurisdiction which I tried without assessors. There were many expert witnesses and it lasted over four weeks. My judgment, given orally, took me the whole day. If I am not mistaken there was no appeal.

Another case[2] that came before me in which questions of English Real Property were involved, was illustrative of the different legal systems in force within the geographical boundary or the then metropolis of India.

Whilst I was engaged on the "Original Side" the Criminal Appellate work fell into arrears, the list having swelled to great dimensions, and I was called upon to assist in dealing with it. My very pleasant colleague, Justice Pratt, sat with me and seconded my efforts to reduce the file. We asked counsel and pleaders to give us a concise statement of the cases for the prosecution and the defence respectively; then to read the summing up of the Judge or the judgment of the lower courts, and if they so desired to draw attention to the evidence and question of law they wished to raise. Our procedure was eminently successful; it satisfied the profession,

[1]The "Drachenfels" Case.

[2]Nicholas *V*, Asfar.

whilst it led to economy of time. In less than six weeks we succeeded in wiping off the arrears.

A form of crime which happily was not then common in India had become frequent in the unruly district of Rajshahi. Bands of hooligans, I regret to say not all of them young, took to what is called in the annals of crime "gang rape." This required stern repression. Sessions Judges trying the cases were wont to inflict sentences varying from four to ten years' imprisonment, which had very little effect in stopping the outrages. Gangs continued to break into the houses, mostly mere huts, of inoffensive peasants, and carry off the married and unmarried women, and after outraging them returned the poor half-dead creatures to their own doors.

I applied to Government to pass a short Act legalising capital sentences in such cases, as was done in Melbourne, where outrages by the "larrikins" were thus ruthlessly stopped. But the Indian Government had not the courage of the Australian, and I received a polite refusal. My colleague and I then took the matter into our own hands. The sentences came before the Criminal Bench for revision, and often the Legal Remembrancer appeared for the Crown on the ground of inadequacy of sentence. Our procedure was to issue notices to the accused to show cause why their sentences should not be enhanced. They almost invariably appeared by counsel or pleader and after a full and patient hearing on the accused's behalf, if we upheld the sentence, we enhanced it to "transportation for life," to the Andaman Islands.

In a few months we had the satisfaction of hearing that these brutalities had ceased.

The Civil Appellate List of the Rajshahi Division was always a very heavy one. The rivers were frequently changing their course by which villages were constantly diluviated. Disputes between riparian proprietors were therefore frequent. Having sat with the ablest of judges in this class of cases, William Macpherson J., I had gained experience in these conditions. He was an apt example of the value of judges being promoted from the Indian Civil Service, by reason of their knowledge and experience in dealing in the past with matters involving land tenure.

Thus, when the list became unwieldy, the arrears were

entrusted to me. The difficulty of these cases will be shown by the fact that in one alone there were 36 maps which dated from early in the 19th century. The Brahmaputra had changed its course 36 times within the preceding 58 years, and the area diluviated and reformed had to be resurveyed as many times. It took over three weeks to unravel the rights of the parties.

In 1891 my book, *The Spirit of Islam*, was published in London. The title of the work had been inspired by my wife, and it was dedicated to her as a token of my love and gratitude.

With the exception of Gibbon's account, there was no comprehensive history of the Saracenic Empire. The works of continental writers in their respective languages related to special countries or special subjects. I accordingly arranged with Messrs. Macmillan for the publication of my *History of the Saracens*. My object was to give an entire survey of the rise and fall of the Saracenic power in the three continents, yet within a compass which would enable students to study this absorbing subject; and the publishers fell in with my views. The work was reprinted during the Great War for the use of officers in the newly occupied, now mandated, Arab territories. Attempts at plagiarism, as usual in India, are common, but in the main they are miserably futile.

When on furlough in 1895 and supposed to be resting in a delightful haven of peace and quiet—Kingston House, near Angmering—I became involved in a controversy with that stormy petrel, Canon Macoll, who made a violent attack on me in the *Nineteenth Century*. At Knowles' request I answered it, and wrote what I considered a temperate reply. This elicited a fierce onslaught from the pen of the warlike Canon, in which he accused Muslims of all manner of crimes. I was again compelled to reply; and the controversy would have continued for some time if the Editor had not closed the Review to further discussion. Sir James Knowles afterwards told me that the great Queen was so incensed at the Canon's intemperate articles that she stopped the preferment which had been suggested for him by Gladstone.

This controversy with Canon Macoll in the *Nineteenth Century* drew me into collision with that bulwark of Liberalism. He wrote to the *Daily News*, supporting his protege's views and

accusing me of being a prejudiced writer.[1]

The fact that the spirit then expressed by the Canon persisted was shewn by an appeal advertised in *The Times* by the Church Missionary Society for funds for proselytising purposes in 1919, which elicited the following letter from the author, published in the *Pall Mall Gazette* on the 19th February, 1919:

CROSS AND CRESCENT—A Muslim Protest to the Editor of the *Pall Mall Gazette.*

Sir,

Will you allow me to enter a strong protest against the latest attempt to create ill-will between Christians and Muslims? *The Times* of Saturday last contained an appeal from the Church Missionary Society for funds for missionising purposes under the heading "Prussianism and Religion" "The Crescent and the Cross." In this appeal the Muslim religion is gratuitously dragged in and held up to contumely.

The religion of a hundred million of the King's subjects is vilified under the obnoxious designation of "Prussianism" and the Cross is pitted against the Crescent. Whatever may be the object of the authors of this extraordinary, not to say outrageous, advertisement they do not seem to realise the mischievous consequences of rekindling the old hatred. Nor do they appear to see that it shows a certain religious poverty to have to stiffen up Christianity and awaken charitable instincts by attacking another religion.

[1] Extracts from the following letters from a British military friend and from a stranger, a lawyer, living at Macon, Georgia, U.S.A. show that this controversy attracted some notice:

PETERSFIELD, HANT
November 28th—95.

DEAR MR. AMEER ALI,

I have read with much pleasure your interesting article entitled "Islam and Canon Macoll" in this month's *Nineteenth Century*, and I sincerely congratulate you on the moderation and good taste with which you treat your insolent and fanatical opponent.

MACON, GA. U.S.A
25th March 1896.

DEAR SIR,

The Contemporary Review finds its way into my home, and I feel that I am almost acquainted with you by reason of your able defence of Islam, against Canon Macoll. Myself, I respect any man of sincerity that is the main thing. How it spends itself in thought comes afterwards......

The two great religions can live and work side by side for the elevation of humanity without rivalry or rancour. But if this constant agitation for the sowing of discord between the followers of the two faiths, either by means of attempts to rob the Muslims of their places of worship or by reviling their Prophet and his teachings, is allowed to continue, there can be no prospect of the much needed "Peace and good-will."

(Sd.) AMEER ALI.

2, Cadogan Place, S.W. 1.

On Sir Comer Petharam's retirement there was still in Whitehall an appreciation of the need for efficient men in the superior tribunals of India. Sir Francis MacLean, his successor, was not a great lawyer ; he was hardworking and industrious but inclined to be idiosyncratic.

A case which required knowledge of Indian habits and modes of thought was decided by Jenkins J. against the Plaintiff, who appealed. The appeal was heard by the Chief Justice, Prinsep J., the senior Puisne Judge. a promoted I.C.S. Officer and myself the senior Barrister-Judge. MacLean was in favour of affirming the Judgment, Prinsep and I thought that the Judge had erred owing to his inexperience of the Indian mode of keeping accounts and other facts. We two, therefore, set aside the Lower Court's judgment. The Privy Council affirmed our judgment to the Chief Justice's evident displeasure. This reminds me of an incident with his predecessor who had asked me to sit with him to decide some cases under the Bengal Tenancy Act, which I might be supposed to be conversant with, as I had taken part in initiating the Act. We differed on the construction of one of the sections ; and the Chief Justice called Prinsep J. as third judge, with the result that he agreed with my view. On this occasion the difference of opinion was not taken to heart.

PROMINENT MEN

I retired from the Bengal High Court in April 1904. My successor was John, now Sir John, Woodroffe, Reader on Indian Law at Oxford. The choice could not have fallen upon an abler judge, or a more clever lawer. He had been my collaborator in the *Commentary on the Indian Evidence Act* and *Commentary on the Indian Civil Procedure Code*, both of which

were well received by the profession, and I was aware of his ability. When I left for England, on relinquishing my seat on the Bench. I was much touched by the large number of friends, Indian and English, who came to take leave of me. It was gratifying to me that there were so many who expressed their sense of satisfaction at my endeavours for the good of my country for over thirty years.

One section there was which never ceased to decry me. There is a Persian proverb which may roughly be translated as follows : "The scorpion's bite is not of spite ; it is to the nature of the beast that it is due." (Nesh-i-akrab na-az-pai kin-ast ; maktazai tabiatabh in-ast) but I could never understand why particularly one newspaper, the *Bengali* should be so bitter. It was owned and edited by Surendranath Banerjea. For a year or more I had lectured to the classes instituted by him and also had induced my friend K.M. Chatterjee to assist him. Surendranath Banerjea was a great orator and proved a formidable enemy to the Government after he was prematurely retired from the Indian Civil Service. He had said in one of his speeches to students that "he would shake the foundations of British Rule" ; and he fully justified his threat until the Government recognised the merit of having its foundations shaken by rewarding him with a knighthood. For Surendranath Banerjea was the real creator of the Swarajist movement, if not in India certainly in Bengal. He laid the foundations of that bitter anti-foreign spirit which has become the main policy of the stalwart patriots of Bengal and elsewhere in India. I remember a time when large bands of the youth of the province were wont to slink away with the utmost celerity at the shadow of a policeman. They now valiantly stand upto the police with sticks and umbrellas, and occasionally even shoot down inoffensive foreigners. The development of the spirit of independence and aggressiveness among a people by nature so meek and law-abiding is due to Surendranath Banerjea, and Swarajist Bengal should erect a statue in his honour.

I have been a consistent admirer of the late Lord Curzon's great natural gifts and untiring efforts on behalf of the people of India and consider the Punjab Land Alienation Act one of the finest pieces of beneficent legislation. When I told the Viceroy this, and expressed my regret that he did not endeavour to make the measure applicable to the whole country, he answered

with a sigh that I little knew of the great difficulties he had to contend with even to get this small measure passed, that at one sitting its opponents rose in a body and left the Council Chamber.

The reason for this Land Act was that the yeoman land-owners of the Punjab, from whom a great portion of the Indian Army is now recruited, were rapidly losing their land by sales in execution of decrees of the British Indian Courts in favour of money-lenders, mostly town Hindus. The Indians yeoman and land-holder is sometimes improvident, but more often than not he is the victim of bad seasons and circumstances. He is obliged to command ready-money to pay his rent, or land revenue to Government.

The reason for the land-holder having to command ready-money and to pay his land revenue to Government without fail on the due date is shown by the following instance quoted in a letter from a friend dated 1895. "A certain landowner by some oversight failed at the proper time to meet in full the Government dues the arrears being only two rupees. Two days later, this insignificant sum was paid into the Civil Treasury, but in the meantime an order had been issued by the Collector (the Magistrate in charge of and the head of the Revenue Administration of the district) for the attachment of his property amounting to 50,000 rupees in value. This was sold by public auction for 10 rupees, in satisfaction of the claim for two rupees, notwithstanding that the debt had been met before the sale took place. The person interested and his friend, not believing that such an order would be carried out, failed to put in an appearance at the auction."

The owner of the property appealed against this unjust decree and the District Judge very properly quashed the proceedings. But the purchaser carried it up to the High Court, where it was heard by two Judges who disagreed. The case was then laid before the Chief Justice, who held that the Law did not support the owner of the property and accordingly gave judgment in favour of the purchaser.

It is doubtful whether such a case could possibly occur at the present day, but the Revenue Administration is still faced with the necessity of not allowing land-holders to fall into arrears. They are only too prone to do so, and at the same time in hard years matters are sometimes difficult for them. In times of

famine the payment of revenue has to be suspended or remitted, which means a serious deficit for the Government. Land revenue is the mainstay of the Indian revenues, much as is income tax in England. [1]

British Indian Courts maintained the principles of the freedom of contract throughout the nineteenth century and were very loth to lower and rate of interest, however unconscionable. It was not until the Great War, when the borrowings of soldiers' families at harsh rates of interest affected the rank and file, that an Act was passed restricting the rate of interest to 12 per cent simple interest, in the year 1918. As an instance of how these debts can mount up, a claim was made by a Hindu money-lender against the estate of a British Major killed in the War, for two hundred times the amount of a debt of £40, contracted by the Major twenty years before, as a penniless subaltern. He had paid off the principal and some of the interest, but had been saddled with the compound interest throughout his career. The claim was for the balance of the compound interest. The money-lenders and the bulk of the legal profession, mainly Hindus or Jains of the towns, are closely connected ; hence the opposition to Lord Curzon's measure in the Council, and later on to the Restriction of Interest Act passed during the War. The town Hindu landlord, who merely regards the possession of land as an investment, cannot possibly take any interest in his tenants, and often opposes from instinct and interest any measure for the amelioration of their lot. It may safely be said that the Punjab Land Alienation Act of Lord Curzon is one of the bases of the prosperity of that province. It lays down that land may not be alienated by any person not belonging to an agricultural caste or community.

Had this measure been applied to the rest of India it would have prevented the alienation of very large areas, amounting sometimes to three-quarters of a district, to non-agricultural absentee landlords of the trading castes or legal profession.

Of Commanders-in-Chief in India whom I knew personally,

[1] Lecturing at the London School of Economics on "Indian Institutions" Ameer Ali remarked that "following on the first settlement of the Muslims in Mesopotamia, there was a survey and a fresh revenue assessment of the whole province. A rule then was made that agriculturalists should not be allowed to part with their holdings and that agricultural land should not be alienated. That rule was now in force in the Punjab and it was one of the most beneficent in India."

four stand out in my memory—Sir Donald Stewart, Lord Roberts, Sir George White and Lord Kitchener. Both Sir Donald Stewart and Lord Roberts had been closely associated with Indian troops since the "forties" and "fifties" of the nineteenth century. They had commenced their military careers as officers of the Old East India Company's Army and the fact that both had seen the horrors of the Great Mutiny did not change their friendly feelings towards Indian officers and sepoys. They were well aware of the value of the personal touch in dealing with them.

It may be noted that the importance of the personal relation between the right type of British Officer and Civil Official and the masses of India has been intensified manifold by the developments of recent years, not minimised as many pretend to think.

Lord Roberts had the faculty of remembering names and faces after a long time ; and when holding high rank in the Army, delighted veteran Indians who had served under him by calling them out, and enquiring after their welfare. Lord Kitchener, accustomed to the fellahin of Egypt, was curt and aloof. The destruction by explosives of the Mahdi's tomb after the victory of Omdurman was attributed to his orders. Like many public events abroad, this became known to the people in India and they said at the time that Lord Kitchener himself would come to his end by an explosive.

I remember well the dispute between Lord Curzon as Viceroy and Lord Kitchener as Commander-in-Chief in India in which Brodrick, then Secretary of State for War (later Lord Midleton), took Lord Kitchener's side. On learning that Lord Curzon had decided to send in his resignation I wrote to him expressing my great regret that he should retire from the viceroyalty before his work was completed. He replied that for his part he was equally sorry that circumstances compelled him to leave his work uncompleted, but that history would judge of the merits of the controversy.

The career of Sir Donald Stewart is less well-known but equally interesting. He joined the famous Ninth Native Infantry

NOTE :—It will be generally remembered that Lord Roberts began his soldiering in 1852 in that corps d'elite of the Old East India Company's Army, the Bengal Horse Artillery. Although he was a Staff Officer through most of the Mutiny, the gunner's point of view peeps through the lines of his early letters from Delhi and elsewhere written during the Mutiny itself.

in the "forties" and was carried with them on the tide of conquest as far as Peshawar. He was a keen and efficient regimental officer, and at the time of the Mutiny was Adjutant of his Regiment which was then serving at Aligarh, an out-station with no British troops. It had been sent there out of consideration for the men, owing to their having been on active service in distant parts for many years. Most of its rank and file were recruited from the neighbourhood, in fact it was known to Indians as the Jalesar-ka-Palan (or Jalesar regiment) from a small town in Etah, the next district. The personal influence of the Colonel, Donald Stewart and other officers kept the regiment faithful for some time in the midst of a revolt on all sides, but it dissolved without violence to the officers when the regimental Pandit (Hindu priest) was hanged for the treasonable correspondence with the rebels. Sir Donald afterwards gave it as his opinion that this act was a mistake; and that most, if not all, of the regiment would have stood loyal if the officers had merely drummed out the priest. So ended the Ninth Native Infantry, like most of the Corps of the Old Company's Bengal Army, after nearly a century of victory and loyal service.

THE MORLEY-MINTO REFORMS AND THE MUSLIM LEAGUE

The wrench involved in leaving my work and old associations in India in order to spend a few years with my sons before they went out into the world, was mitigated by our acquisition of a charming home in Berkshire. It was a modest little country-house, nestling against a wooded hillside. The slopping lawns leading from a roseclad verandah to a small lake added a great charm.

It was said to have been the dower-house of Ufton Court, the beautiful gabled home of Arabella Fermor after her marriage. She was the lady who figures as the heroine in Pope's "Rape of the Lock." This little property was part of a large estate called Englefield, after a battle fought there in Saxon times between Angles and Danes. At the other extremity of the valley lay the battlefield of Newbury, and in the lanes round the neighbourhood, where there had been many a scuffle between the

contending armies, were found within recent years pieces of armour and accoutrements of the Civil Wars.

One of the charms and interests arising within the narrow confines of Great Britain is the constant reminders of historical episodes met with not only in the cities but often in the remote parts of the country. Another among the points of attraction in our neighbourhood was the well-known triennial performances of classical Greek plays acted in the open-air Greek theatre in a sylvan chalk-pit by the boys of Bradfield College. Their inauguration was due to the erudition and energy of the head-master, the Rev. Dr. Grey.

In the years following, our pleasant life was varied in the late summer months by visits to that mountainous region of Switzerland lying between Austria and Italy—where the invigorating air from the glaciers seemed to give new life after years of work in hot climates. In this happy valley, so high that even elderly walkers like myself could reach the glaciers, tired men from all parts of the world came in search of the refreshing breezes. One met from countries near and far statesmen, diplomats, scientists and men of arts and letters with whom an interchange of ideas and knowledge was a benefit greatly to be prized. From their conversation one could almost feel the political temperature of the different countries of Europe, which rose to the fever-heat of 1914. Here an Imperial Prussian of high ministerial degree, there an Austrian diplomat, Italian military men, Hungarian nobles, Professors of International Law from here and there, German makers of big guns,—not to speak of American politicians, Egyptian Pashas, and Argentine millionaires.

Among them I once found Lord Reay, an acquaintance of former years. We had much talk about his Governorship of Bombay and his strong belief in the progress of the people of his Presidency. He expressed appreciation of the qualities of the men with whom he had worked and of their political aspirations.

The first task to which I set myself was to launch the London Muslim League. Friends in India had urged me for some time to establish an organisation which might not only be the exponent of Muslim feelings and give constitutional expression to the legitimate sentiments of the Muslim subjects of the King on political

matters affecting their interests, but also serve as a training-ground for good and loyal citizenship for the Muslim students who were coming in large numbers to the United Kingdom. Accordingly in May 1908 the London Muslim League was established.

Subsequent events have proved how necessary is a coherent and important organisation of this kind for the protection of Muslim interests under the fluctuating conditions of British politics.

The object of our organisation appeared from the following prefatory remarks on its constitution :

1. To promote concord and harmony among the different nationalities of India.
2. To work in advancement of the general interest of the country in harmony and concert with the other Indian communities.
3. To advance and safeguard by all constitutional and loyal methods the special interests of the Muslim subjects of the King.
4. To bring the Muslims so far as possible into touch with the leaders of thought in England.

The inaugural luncheon of the London Muslim League was held on 23rd February 1910. Lord Reay, Lord Avebury (Sir John Lubbock) and Lord Ronaldshay (now Lord Zetland) and other notabilities were present. Valentine Chirol, as he was then, also sympathised with the Muslim cause.

[1] The following was the Syed's speech on this occasion.

"We are on the eve of great constitutional changes in the administration of India, which will undoubtedly alter its character, by giving the educated classes a larger voice in the internal government of the country. The Muslims consider the moment of great importance, because they feel that if they do not keep their claims well forward before the government and the people in England and in India they may permanently and seriously prejudice their interests. They have welcomed the principles of the reforms, in the conviction that their legitimate rights will be adequately and substantially safeguarded. They have not put forward any undue claims or made any demand which can be regarded as encroaching on the just rights of any other community. They ask for their legitimate share in the political privileges about to be extended to the peoples of India—a share 'commensurate,' to use the language of the Government of India, 'with their

Contd —

The necessity of an organisation of this character in London was soon proved by the violent controversy which arose in

numbers and their historical and political importance.' (Hear, hear)

The Viceroy assured them that their political rights and interests will be safeguarded in any administrative changes in which he was concerned. The Muslims take their stand on that assurance. Their claim, based on historical and political importance, has been assailed from many not altogether uninterested quarters. With reference to these attacks, may I venture to make one answer? Barely 200 years ago, the East India Company acquired its rights to hold three of the richest provinces in India, under a grant from a Muslim Sovereign, and when British power extended towards the North and the West, the Muslim Sovereign still was the fountain-head of all legitimate right. The East India Company acknowledged his titular rights by placing his name and insignia on its coins as late as 1832. Many of the Maratha and other Hindu Chiefs were proud to bear titles granted by Muslim Sovereigns, and I am very much mistaken if they do not bear them even now. It is idle to say the Muslims of India possess no historical importance. They are connected by ties of religion, traditions and race with the whole of Western Asia and Northern Africa, right away to the Atlantic—countries where the prestige of England stands high now, and where England is recognised as the champion of justice and fair play. (Applause). The Muslims of India expect to gain most by the present concessions I may say again, without presumption, it is idle to say they are of no political consequence. In the social economy of the country, even in those provinces where they are numerically inferior, their upper classes occupy an acknowledge position of weight and influence beyond their actual numbers.

They all feel that the happiness and development of India depend upon the co-operation of all her children—co-operation not only among themselves but also with the servants of the Crown, which has assured to the varied races and peoples of that great continent a peace and prosperity it never enjoyed at any other period of its history. (Applause). At the same time, they cannot shut their eyes to the divergencies which have divided and still divide the rank and file of the two people—divergencies which ramify in all directions, which enter into the very minutiae of life. The two great communities of India are sometimes likened to the Roman Catholics and Protestants in England and Ireland. I am afraid that analogy is absolutely false. Hindus and Muslims are not the followers of two sects or communions, but of two wholly different systems. Roman Catholics and Protestant and follow one Faith and one Gospel. They differ in dogmas and ritual, but their habits of life and modes of thought, their laws, their customs and conventions are the same—there is nothing to debar them from eating at the same

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connection with the Indian Reforms started by Morley, then Secretary of State for India. Until recently, in fact until Morley

board, or drinking from the same cup. They can intermarry, they can change from one communion to the other. All this is different in the case of the Hindus and Muslims. Two absolutely antithetical systems have existed side by side for ten centuries with, on the whole, great toleration to each other without amalgamation. And why? Hinduism is not merely a religion, but a complex social system of immense antiquity whose institutions have, through the observance of ages, acquired a sacredness which nothing at present foreseeable can break or alter. It is a vast conservative Federation, hedged round by stringent rules of caste. No outsider can ever enter its pale. To think it has any democratic tendency or ideal is a mistake. Its admirable organisation, its very exclusiveness has enabled it to preserve through ages its ancient usages from contamination by foreign influences. Islam on the other hand, is democratic, tending towards socialism. It opens its doors to all comers.......

It is only people who are ignorant of the situation, who do not understand the situation, that talk of common citizenship. (Appaulse). Any attempt to drive the smaller into the bigger camp will only lead to discord and strife. A Muslim Sovereign tried to fuse the two people by introducing a new electoral system. He failed. Do you think it possible to attain that end by driving them in common to the hustings?

It is only by remembering that the two elements deserve equal consideration, that both of them are important factors in the administration of the country, by endeavouring to understand the idiosyncracies of the two nations, by not allowing the interests of the one to be subordinated to the interests or ambitions of the other, that you will make the projected reforms successful. It is in this conviction, and not in any spirit of antagonism or racial prejudice, nor any feeling of jealousy or desire to take anything from the others, that the Muslims have pressed their case.

It is essential that the majority should know that the minority has sufficient weight and influence to make it worth while to seek its support and deal with questions in a spirit of compromise and toleration. So long as they feel that they can override the claims of the others, there will be no peace, no accord, and no satisfactory dealing with public questions. The amount of juggling on the subject of Muslim representation seems to me amazing. First of all there are vast masses of people in India, who either disclaim all title to being Hindus, or who are included under the word 'Hindu' for the sake of convenience. (Applause). It is contended that they should be included in the Hindu figures and the question of representation should be dealt with on the basis of

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and subsequently Montagu set to work on the "Unification" of India, Hindus and Muslims had lived together side by side in villages and towns generally in peace and harmony, and without friction. They were friendly neighbours but for the slight domestic disputes which occur in every country, and occasional outbreaks of rioting over some purely religious question that raised the passions of the ignorant to more than an ordinary degree. Such outbreaks were, however, very much less frequent than during the last few years.

Both Hindu and Muslim had prospered under good Government, both had suffered equally under misrule. Both remembered the hardships of Maratha and Pindari raids, and both received with equanimity the schooling of British political scientists.

Now there is bitter feud between them. And why ? They both recognise that the ideal of self-government—of an independent India governing itself—can never be realised unless they are united in their material interests and their natural sympathies. And they are profoundly divided in their political aspirations. The responsibility for this disastrous climax must be laid at the door of the well-meaning reformers who in their zeal forgot that India was inhabited by two great communities with two divergent outlooks, social and religious, which can never be reconciled. The greatest of Indian sovereigns had endeavoured to bridge the gulf by introducing a new cult which might unite the two peoples. What had succeeded in Egypt under Ptolemy Lagos failed in India under Akbar, the great Mughul Emperor who was a contemporary of Queen Elizabeth.

those figures. Well, the injustice of the propsal does not seem to strike biased minds, but it shows how impossible it is to apply to Indja a doctrine which is workable with any approach to equity only in countries inhabited by a homogeneous population.

Allow me to say that, in placing before the Secretary of State the views of the Muslim people on this most important question, the League had no *arriere-pensee*, no 'tactics' in mind, 'dubious' or otherwise. On the contrary, our object was to give whatever assistance we could in the solution of a great problem. An Eastern sage has said that it is treason to keep the Truth from the King (Hear, hear). We would have been false to our loyalty to our Sovereign, if we had not expressed clearly and emphatically the feelings and opinions of the Muslim subjects of His Majesty to the Minister of the Crown. (Loud Applause)."

The attempt of long ago was re-started by one Secretary of State of acknowleged ability and taken up by another by no means his equal in genius. Both laboured under the impression that the smaller populations could be overlooked once the ball was set rolling.

This idea apparently gave rise to the proposal to do away with the separate representation of the Muslims on all elective bodies, and to create a system which would unify both communities in electing their representatives in common.

I pointed out in a letter to *The Times* what this proposal if carried into effect would mean to the Muslim population. The day after my letter appeared I received a visit at the Reform Club from a friend who at the time held an influential position. It is not open to me to embody here our conversation which was, in certain respects, personal. In the event he persuaded me to see Morley and I agreed on condition that my visit would be welcome. I made this condition as I had been informed by an Indian friend who haunted the "coulisses" of the Secretary of State's Council, but he had been told by one of them that the India Office had lost its confidence in me.

Two days later I received an intimation from the Private Secretary that the Secretary of State would be glad to see me. I took with me for the interview a sheaf of telegrams and a number of letters I had received from India representing the Muslim side of the question, which I handed to Morley and he promised to study them carefully. The interview lasted for an hour and a half and the question was examined from every point of view. I do not think it necessary to recapitulate the course of the discussion. One remark of his, however, should be recorded. He said "I am glad your people are not opposed to the Reforms in principle; I was told you were going to move Lansdowne to throw out the Bill." To this I replied: "My people wish to participate on equal terms in the constirutional changes; if their right to equal participation is accepted, they will not oppose them."

On the 27th January 1909 I took a Deputation to him. Our objections to the proposed measure were set out in the following Memorial:

"Whilst offering their loyal and cordial support to the

general and animating principles of the Scheme, the Committee feel bound to state that some of the proposals are viewed with serious apprehension and misgiving by their people as likely to prove detrimental to Muslim interests. They, therefore, beg to place before his Lordship as explicitly and clearly as possible the Muslim case....

"The claim of the Muslim community to adequate representation on the Imperial and Provincial Councils, 'commensurate with its numbers and political and historic importance' has been admitted and urged with considerable force by the Government of India in its circular letter dated 24th August 1907, and its letter to the Right Honourable the Secretary of State, dated the 1st October, 1908.

"In its circular letter referred to above, the Government of India further pointed out that 'under the system of election hitherto in force, Hindus largely predominate in all or almost all the electorates with this result that comparatively few Muslim members have been elected. These have been supplemented by nominations made by the Government. But the total representation thus effected has not been commensurate with the weight to which the Muslim community is entitled; and it has, moreover, been strongly urged that even the system of nomination has frequently failed to secure the appointment of Muslims of the class by whom the community desires to be represented.

"In his despatch of the 27th November, 1908, paragraph 9, his Lordship gives emphatic expression to his agreement with the opinion of the Government of India that the Muslims should be adequately represented on the enlarged Councils. His Lordship says: 'I agree also that the Legislative Councils should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Muslims and the landed classes.'

"The Committee beg respectfully to state that the entire

Muslim people view his Lordship's suggestions with grave misgiving as calculated to subject Muslim representation to the good will of a rival community—and place Muslim interests in their hands.

"In common with other well-wishers of India the Committee look forward to a time when the development of a true spirit of compromise or the fusion of the races may make the principles indicated by his Lordship capable of practical application without sacrificing the interests of any of the nationalities or giving political ascendancy to one to the disadvantage of the others. But the Committee venture to think that, however ready the country may be for constitutional reforms, the interests of the two great communities of India must be considered and dealt with separately as is indeed admitted in theory by his Lordship.

"In order that Muslim representation may be real and not merely nominal or illusory, it is essential that the Muslim representatives should voice their feelings and sentiments and advocate the policy which commends itself to the best minds of their own community. Under the system of an electoral college consisting of say 75 Hindus and 25 Muslims, the Muslim who would be elected would be a mere nominee of the majority.

"Moreover, in places where the influence of the *Mahajan* and legal classes is preponderant it would, in any circumstance, be used in favour of Muslim candidates whose views are not acceptable to the general body of their people ; the mischief would be intolerably aggravated in the case of joint electorates.

"The Committee have noticed a statement that Muslim apprehensions in respect of joint electoral colleges are unfounded inasmuch as if one Muslim was returned by the collective votes of the Muslim electors, and another was returned by a larger number of votes from the majority, the result would be that there would be two Muslim representatives instead of one. Whatever may have been the intention, the Committee find no warrant for this contention in the wording of his Lordship's Despatch. Judging from the context they conceive the

only effect of the Muslim having a large number of votes either entirely composed of Hindu votes or partly Hindu and partly Muslim votes would be to put out of the field the candidate who relied on Muslim votes alone.

"Assuming, however, that the view suggested is correct it implies a serious danger to the Muslim people. A nominee of the majority professing to represent the Muslim community but out of harmony with their general sentiments and opinions would be the cause of constant friction and the advantages anticipated from the Electoral Colleges will be more than counter-balanced by the complaints and heartburnings that are certain to result therefrom.

"The Committee believe that if just and equitable considerations were to demand the grant to their community of a double vote, His Majesty's Government would not be deterred from that course by the apprehended resentment of other interested classes of the population. Save as regards University representation in which both communities have the privilege of double voting, the Muslim subjects of His Majesty, so long as they can obtain adequate and substantial communal representation on the Councils, the Rural and District Boards and Corporations, with the right of electing their own representatives, do not ask for double votes. Muslim representation on such basis is more likely to lead to concord between the two communities and harmonious working on representative bodies, than if it were merely nominal; for the majority would in such a case be more inclined to conciliate and regard Muslim opinion than when in a position to override it.

"The Committee, on behalf of the Muslims of India, wish to disclaim all idea of racial prejudice or any desire to seek special privileges. They wish to affirm their anxiety to work in cordial co-operation and harmony with all loyal classes of His Majesty's subjects in the promotion of the general interest of the country. But they cannot ignore the divergencies

which still divide the races of India, and which they believe time and general progress under a sympathetic and enlightened rule can alone remove.

"The Political and Historical position of the Muslim community has been spoken of recently in somewhat slighting terms. With reference to that the Committee desire to offer no remarks. But they beg humbly to observe that the loyalty of the Muslim people is an asset to the Empire and merits some consideration. The Muslim population numbering 53 millions can hardly be dealt with as a minority, or have their status regarded as analogous to that of the minor communities of India. Though living intermixed with the non-Muslims they form a distinct nationality divided by traditions of race, religion and ideals. However much their presence may be deprecated by some of their neighbours, they are important factors to be reckoned with in the administration of the country.

"The principle of proportional representation, whatever its value to Western Europe where the people are in the main, homogeneous and animated by common ideals and sentiments, is unsuited, the Committee respectfully submit, to a country where the rank and file are still so sharply divided. What is part of the religion of one people is abhorred by the other, whilst in places, the touch of an outsider, if not his very shadow, amounts to pollution.

"The Committee beg to affirm most emphatically that their people ask for nothing in derogation of the just rights of any other class or community; they seek simply to obtain a fair and just recognition of their legitimate claims that they may in future occupy a position in the Councils of Government consistent with their numbers and political status. Whilst anxious to work in a spirit of compromise, and in concord, harmony and in co-ordination with the Hindu community, they are not disposed to place themselves in subordination to any class or people in India, or to consent to follow any policy that may be dictated by the majority."

I supplemented these grounds in my Address :

"My Lord, whilst we welcome these reforms, we welcome them in the conviction that, in their practical application, our status and interests will be kept in view. We do not wish, and cannot consent, to be placed in a disadvantageous position. We are anxious that whatever boons are conferred on, whatever political concessions are made to, the people of India, we should have our legitimate share in those concessions. We ask for nothing in derogation of the just rights of any other people. We seek no special privileges, we want only our legitimate share in political rights and political privileges, and nothing more..........

"If the vast masses of low caste people who are nominally Hindus were excluded from the Hindu figures, certainly the disparity which now appears between the Hindu and the Muslim populations would not strike as so great or disproportionate. These tribes and communities, nominally Hindu for the purpose of census, have nothing in common with the real Hindu, to whom their touch, often their very shadow, is pollution. They can never rise out of the degraded state in which they live, and have lived for centuries. Save the British official, they have no representative or protector......

"I now come to the specific points which we wish to place before your Lordship for consideration. The first is the question of joint electorates. We feel that to confide the election of our representatives to mixed electorates would be most detrimental to the Muslim people. Your Lordship is aware of the sharp cleavage that has taken place recently between the political conceptions of the Muslim people and some sections of the other communities. You are also aware of the other divergencies which exist between the Muslims and the non-Muslim people in India, divergencies which ramify in all directions. It might perhaps startle people in England if they were told of the trifling incidents which often inflame passion on both sides. I do not wish to dwell particularly on the character of these

incidents. I only refer to them to show the gulf which still separates the rank and file of the two communities, and which the administrators must keep in view and the statesman take into consideration, when dealing with general questions affecting both the races. Having these divergencies in view and the cleavage which has recently taken place, the Muslims of India consider it extremely important that their representation should not be dependent on the good-will of any other people.

"We say, further, that the principle of proportional representation would be fatal to our interests. The Government of India recognises, if I am not mistaken, the difficulty of meeting the requirements of the Muslims people, if its representation is to be based on a consideration of numbers. Whatever may be the value of the system of proportional representation in countries where the people are in the main homogeneous, we submit it is wholly unsuited to India. Save and except in the Punjab, where the Muslims preponderate in numbers, there is hardly any approximation between the two races. The Muslims say, if proportional representation happen to be introduced into India, their representation would be completely swamped. In answer to this, it is said the Government can hardly take into consideration the political and historical importance of any community in judging of the question of representation, and the Muslim position is compared to that of the Sikhs and the Parsees. We submit respectfully, but emphatically, that the position of the Muslim people has no analogy to that of the minor communities of India. Neither bear the burden of defending the Empire to the same extent as our fellow countrymen, and we probably supply to the Indian Army a larger number of soldiers than most others. It is easy to say, if representation is to be conceded to Muslims...... ...

"My people will not be content with any representation which is less than adequate and substantial. On general questions racial and religious differences will probably

not enter into competition, but contingencies are certain to arise in which the interests or the views of the two communities do not coincide. On these occasions it would be necessary to take into account the balance parties. We submit that in the constitution of the Councils it should be the aim of His Majesty's Government, and of the Government of India, to have them so balanced that not only the administrative machinery should run smoothly, but also that no party should be able to outvote the just claims of a less powerful party. We, therefore, submit as a standard of adequate representation that the number of Muslim members on the several Councils should be so fixed that if the Muslims were to jcin a certain number of what may be called non-partisan members, or to receive their support on any particular question the issue may be decided accordingly. Unless some standard of that kind is adopted, and our position sufficiently assured on the reformed Councils, our representation will be anomalous, and our representatives will exercise little influence or weight.......

"The chief point we are bringing to your Lordship's notice is the subject of communal representation. We are perfectly confident, having once placed the matter before you, that your one consideration will be to dispense equal justice, and to hold the balance even for all parties. What we mean by communal representation is the representation of Muslims by Muslims, elected by Muslim electorates, at all stages of the elective system. I am perfectly certain, once the principle of communal representation has been accepted by your Lordship, there will be found many administrators of great skill and experience, who would be able to evolve the best measure for putting it into practice."

The reply of the Secretary of State was as follows :

Lord Morely in reply said : "I have listened to the very able speech of my friend Ameer Ali and to the speech which followed, with close attention, not merely for the sake of the arguments upon the special points raised, but—what is more important than the special

points very often and, I am sure, in this case—because the underlying feeling and the animating spirit of those two speeches are to me full of encouragement. Why? Because instead of—as I rather anticipated, or did till a few days ago—a rather hostile attitude to our reforms as a whole, I find that you receive them and welcome them cordially and with gratitude. I cannot say with what statisfaction I received that announcement, and how much it encourages me. If you will allow me, I will, before I come to the special points, say a few words upon the general position, because it is very important—very important to you and to us of His Majesty's Government....

"Now the first point Mr. Ameer Ali made was upon the unfairness to the members of the Muslim community, caused by reckoning in the Hindu census a large multitude of men who are not entitled to be there. In short, I cannot for many reasons follow that argument. I submit that it is not very easy—and I have gone into the question very carefully to divide these lower castes and to classify them. Statisticians would be liable to be charged with putting too many into either one or the other division, wherever you like to draw the line. I know the force of the argument, and am willing to attach to it whatever weight it deserves. I wish some of my friends in this country would study the figures of what are called the lower castes because they would then see the enormous difficulty and absurdity—absurdity—of applying to India the same principles that are very good guides to us Westerns who have been bred on the pure milk of the Benthamite word—one man one vote and every man a vote. That dream, by the way, is not quite realised yet in this country; but the idea of insisting on a principle of that sort—and I should not be surprised if my friend here (Buchanan) heard something of it before he is many weeks older—is absurd to anybody who reflects on the multiplicity of these varied castes.

"Then there is the question of the joint electorate—what is called the mixed electoral college. I was very glad

to read this paragraph in the paper that you were good enough to sent me. You recognise the very principle which was at the back of our minds when we came to the conclusion of the mixed electoral college. You say: 'In common with other well-wishers of India the Committee look forward to a time when the developmen: of a true spirit of compromise or the fusion of the races may make the principles indicated by his Lordship capable of practical application without sacrificing the interests of any of the nationalities or giving political ascendancy to one to the disadvantage of the others. But the Committee venture to think that, however ready the country may be for constitutional reforms, the interests of the two great communities of India must be considered and dealt with separately.' Therefore to begin with, the difference between us in principle about the joint electorate is only this. We are guilty of nothing more than that we were premature, in the views of these gentlemen—we were impatient idealists. You say to me, 'It is very fine; we hope it will all come true, but you are premature; we must wait.' But though premature I observe that your own suggestion in one of those papers adopts and accepts the principle of the scheme outlined in our despatch....

"You see it was merely a suggestion thrown out for the Government of India, not a direction of the Medes and Persians stamp. You say, 'That for the purpose of electing members to the Provincial Councils, electoral colleges should be constituted on lines suggested by his Lordship composed exclusively of Muslims whose numbers and mode of grouping should be fixed by Executive Authority.' This comes within the principle of my despatch, and we shall see—I hope very speedily—whether the Government of India disclose objections to its practicability. Mark, electoral colleges constituted on lines 'composed exclusively of Muslims whose members and mode of grouping should be fixed by Executive Authority'—that is a proposition which is not outside the despatch, but whether

practicable or not is a matter for discussion between us here and the Government in India.

"The aim of the Government and yours is identical—that there shall be (to quote Mr. Ameer Ali's words) 'adequate, real, and genuine Muslim representation.' Now, where is the difference between us? The machinery we commended you do not think possible. What machinery? Mixed electoral colleges. Well, as I have told you, the language of the despatch does not insist upon a mixed electoral college. It would be no departure in substance from the principle of our suggestion that there should be a separate Muslim electorate—an electorate exclusively Muslim....

"I go to the next point, the apprehensions lest, if we based our system on numerical strength alone, a great injustice would be done to your community. Of course we all considered that from the Viceroy downwards—and whether your apprehensions are well-founded or not it is the business of those who call themselves statesmen to take those apprehensions into account and to do the best we can in setting up a great working system to allay and meet those apprehensions. (Hear, hear)....

"If you take numerical strength as your basis, in the Punjab and Eastern Bengal, Muslims are in a decisive majority. In the Punjab, the Muslim population is 53 per cent. to 38 per cent. Hindu. In Eastern Bengal 58 per cent. are Muslim and 37 per cent. are Hindu. Therefore, in those two provinces, on the numerical basis alone, the Muslims will secure sufficient representation. In Madras on the other hand, the Hindus are 89 per cent. against 6 per cent. of Muslims, and, therefore, numbers would give no adequate representation to Muslim opinion—in fact, no representation at all. In Bombay, the Muslims are in the ratio of 3¾ to 14 millions—20 per cent. to 77 per cent. The conditions are very complex in Bombay, and I need not labour the details of this complexity. I am inclined to agree with those who think that it might be left to the local Government, either with the assent of the Central Government or otherwsie, to take other

elements into view required or suggested by local conditions. Coming to the United Provinces, there the Muslims are 6¾ millions to 40¾—Hindus—14 per cent. to 85 per cent. This ratio of numerical strength no more represents the proportion in the elements of weight and importance that in Eastern Bengal does the Hindu ratio of 37 per cent. to 58 per cent. of Muslims. You may set off each of those two cases against the other. Then there is the great Province of Bengal, where the Muslims are one-quarter of the Hindus—9 millions to 39 millions—18 per cent. to 77 per cent. I do not know but the case of Bengal deserves its own consideration......"

The Viceroy (Lord Hardinge) who had just succeeded Lord Minto sent over the Muslim member of his Council to persuade me to withdraw my opposition; but conscious of the fact that Muslim opinion and feeling were dead against joint electorates, and convinced that the Muslim element in British India would be absolutely submerged if communal representation was abolished, I remained firm and the Government gave way.

A Central Muslim League was later started in Lucknow, when the Committee in London thought it advisable to style the London organisation a Branch of the Lucknow League. In 1913, however, extreme elements among the Muslims, excited at the somewhat cynical attitude of certain British Ministers towards the Tripolitan and Balkan Wars, captured the organisation of the Lucknow League and compelled us to break our connection with it.[1]

[1]The following letters will show the opinion of some who understood the situations.

Lord Roberts wrote :

ENGLEMERE, ASCOT, BERKS.
4th November, 1913.

DEAR MR. AMEER ALI,

I was much concerned to read in Friday's *Times* that you intend to resign your position as head of the Muslim League in this country. I know how much you have done to restrain any angry feelings of your co-religionists in India towards England, on account of what they considered her attitude all through the Tripoli and Balkan Wars, and I deeply regert your resignation. Is it too late to recall it—followed as I

contd.—

During the controversy over the Morely-Minto Reforms His Highness the Aga Khan was in full agreement with my views and loyally collaborated with me. In 1909 he took a Deputation to the then Viceroy, Lord Minto, on the subject of separate electorates for Muslims. The Governor-General's understand it is to be by the resignation of the Aga Khan of the Indian Branch.

Believe me,
Yours sincerely,
(Sd) ROBERTS.

From Mr. George Lloyd, M.P. (now Lord Lloyd):

99 EATON PLACE S.W.,
14th December, 1913.

DEAR MR. AMEER ALI,

I want to send one line to convey to you my warm congratulations on the outcome of your difficulty in the All India Muslim League. I have watched it all with the deepest interest not untinged with anxiety for many of us feel that, your influence removed, things might have been more difficult.

It is only what I believe was bound to happen that the true feeling of the League would rapidly re-assert itself so that you could continue the work you have so long done both in the interests of Islam in India and of Imperial interest at large.

Yours sincerely,
(Sd) GEORGE LLOYD.

From Sir Valentine Chirol:

PUBLIC SERVICE COMMISSION,
CAMP, DELHI
20th November, 1913.

DEAR, MR. AMEER ALI,

Though I am afraid I have not always been able to see eye to eye with you, as far as I could judge from your public utterances in your attitude during the last year or two towards British Foreign Policy, I must send you a line to assure you of my sincere sympathy in the controversy which some of your co-Religionists have so unjustifiably raised at home. Their action not only shows a most unseemly disregard of your long and conspicuous services to your community, but it is calculated to alienate from their Indian co-Religionists whose representatives they claim, though no doubt wrongly claim, to be, the regard and good-will which the Muslims of India have so largely enjoyed. I am glad to see, however, that what appears to be a considerable majority of the community are determined to dissociate themselves from such mischievous action, and I hope it will end in destroying or at least greatly curtailing the influence which such intemperate spirits had been too long allowed to exercise.

With kind remembrances,
Believe me, Mr. Ammer Ali
Yours very truly,
(Sd) VALENTINE CHIROL.

reply to the Deputation was so weighty that I quote in full his words summarising the permanent need and justification of separate electorates for minorities in India :

"The pith of your Address," he said, "as I understand it, is a claim that in any system of representation whether it affects a Municipality, a District Board, or a Legislative Council, in which it is proposed to introduce or increase an Electoral organisation, the Muslim community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and that, if by chance they do so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength, but in respect to the political importance of your community, and the services it has rendered to the Emipre. I am entirely in accord with you."

Lord Minto did not change his opinion in any particular after he made his reply. This clear statement should be thoroughly comprehended by all who claim knowledge of, or serve, in India ; as well as by those who legislate for her. Above all it should be memorised by that small but vocal section of Indian Muslims whom love of opposition, or notoriety with a powerful and well organised majority has driven into the so-called Nationalists camp.[1]

Nationalist politicians and propagandists often succeed

[1] The following extractfrom a letter from Mr. Shafi (now Sir Muhammad Shafi) dated Simla 22nd August, 1912, to the Syed, summarises the standpoint taken by the majority of reasonable Muslims :

"As you say we are not separatists in any sense of the term. We are always ready to co-operate with the sister communities in everything calculated to promote the true interests of our country. But the only sound basis of co-operation, to quote a passage from your letter of the 14th November last, is a *modus vivendi* by which the two Nations (*i.e.* Hindu and Muslim) may work together for the common good whilst retaining their own communal existence and their communal rights.

"I entirely approve of the answer you gave to Mr. Jinnah in connection with his offer of the Congress Presidency to you."

in implanting a prejudice against separate electorates by their use of axioms culled from Western political science, by playing on the love of uniformity in the bureaucratic mind, and above all by claiming that the building of India as a nation is obstructed by separatism.

Imagine all Europe excluding Russia, a population and area approximating that of India, under the beneficent sway of an idealistic Government in the United States of America! How would the Northern races of Europe care to come under a constitution for a "United States" of Europe based on the voting power and nimble wits of the Southern European and Slav? And Europe is a far more homogeneous cultural entity than is our artificial unit, India. There is at all events the common bond of Christianity divided through it may be into sects.

Present day India is an artificial unit. In Mughul times large portions of Afghanistan were Indian Provinces; while kingdoms in the Deccan were independent. As recently as the commencement of the nineteenth century large tracts of the Punjab acknowledged an Afghan king.

As yet the only binding force of an "Indian Nation" is the English language and the ideas conveyed by its medium, superimposed on the very small proportion of the population who can take advantage of secondary education.

Three hundred millions of her three hundred and twenty-five millions depend on agriculture, and have no use for a system of higher education which unfits them for the soil. Such education is, therefore, largely sought for as an avenue to the Government services or the professions, of which the law comes easily first. It is mainly "caste Hindus" of the towns, and the few Muslims left with a competence, who send their sons to High Schools. Untouchables are taboo, and Hindus from the lower or non-literate castes are frowned upon. Trade is largely in the hands of castes or hereditary traders or guild workers, manual work is scorned.

If a modern constitution, with a single electorate and without safeguards, is superimposed on a mediaeval economy, the "caste Hindu" will find himself in permanent power merely by the dead-weight of votes which he can command from low caste Hindus by his spiritual influence, and from them

as well as from Muslims by the lever of monetary credit. Tradition, prejudice, and the obligations of caste will oblige him to use power for his own benefit. In Southern India there are signs of revolt against these tendencies – but in other parts the "caste Hindu" element is so numerous and well organised that its accession to and retention of power will be certain, and unavoidable, under the above circumstances.

An attempt to point out facts such as these, which are patent to any one with knowledge, evokes a torrent of argument from the party described as "Indian Nationalists," and their well-meaning but blind supporters in England. Neither can see that the acquisition of the sweets of power by an oligarchic section will lead to permanent discord, probably in the end necessitating Imperial intervention.

A recent instance of how the factor of caste operates in daily life may be of interest. Workers in leather are regarded as untouchables. The shoemakers of a historic city of Northern India had been debarred by pressure of the higher castes from using the ordinary wells of their locality. Tired of their women having to trudge a long way to draw water, their caste council took corporate action and demanded the right to use the common wells. This was refused, upon which the shoemakers stated that if their request was not peacefully acceded to they would, as a caste, become converts to Islam the next week. The higher castes immediately waived their scruples rather than lose religious and political adherence.

Ordinarily the attachment of the low-caste man to the Hindu hierarchy which keeps him permanently in his place is pathetic. To a question what is his caste, his first reply is "I am a Hindu man."

It must not, however, be thought that caste is wholly an evil institution. Its discipline is often an instrument of effective moral control, and the caste bond commands intense loyalty.

THE MONTAGU-CHELMSFORD REFORMS AND SUBSEQUENT DEVELOPMENTS

Montagu became Secretary of State for India whilst the

Great War was in progress. He was an enthusiastic and clever man, with a thorough belief in his own genius and capacity to make India a country with democratic institutions that would be a marvel of history. He was an idealist and was surrounded by men of the same tendencies. He knew nothing of India and drew his impressions from people who helped to rivet his determination to democratise India without waiting for the evolution of the spirit of democracy in a country which has for ages been ruled by caste.

Although I have every sympathy with the desire for political progress, I could not help feeling that in the prevailing conditions of the country and sharp differences which still exist between the various communities, the British Government should proceed with great caution in the concession of self-government. Montagu threw himself with ardent enthusiasm into the work of constitutional development for India. It has been observed by some harsh critics of the so-called Reforms that his "Dyarchy" really spells "Anarchy." I do not venture to go so far, but I am quite sure that the Reforms introduced by Montagu have not proved an unmixed blessing to the country. They have sharpened differences and given rise to communal strife excited by manoeuvres for position and power on the part of different communities, which would not have taken place had the people been allowed to develop spontaneously.

When Montagu went to India to confer with Lord Chelmsford on his proposed Constitutional Reforms, and to acquaint himself personally with the prevailing condititions, I took the liberty of sending him a Memorandum submitting for his consideration my views on the subject.

My study of the problem had extended over half a century and my actual experience of the people and their mentality had not been confined to one Province, or merely derived from High Court briefs. I was acquainted with the initial difficulties which commenced as early as 1880, and with the history of the controversy which convulsed political circles in the time of Lord Morley.

In this Memorandum I pointed out to Montagu the necessity of bearing clearly in mind the importance of the agricultural population in the social economy of India, and of

not allowing them to be pauperised by money-lenders. I also laid stress on the absolute need of maintaining a just balance between the two great communities and of proceeding by slow degrees. The development of the vast and multifarious population was not uniform ; and what could be applied with advantage to one province was not suitable to other parts of the country. I urged him to deal with the problem by provinces ; for example, to treat as more fitted for constitutional advance, provinces where the people as a whole had learnt the lessons of compromise and toleration...

This advice for caution was repeated by me when presiding at a luncheon given by the Indian Community in England to His Highness the Maharajah of Patiala, and to Mr. (afterwards Lord) Sinha. I said that from the nature of our work on the Judicial Committee, we found India from Burma to Baluchistan, from the Himalayas to Cape Comorin, spread out before us like a chart, and we could not but notice the diversity of interests between races and creeds. We knew how India under British guidance, albeit with many lapses and swingings back of the pendulum, had progressed from Cornwallis to Chelmsford. And I ventured to point out the necessity of so adjusting the machinery of Reforms, that any mistake could easily be corrected. I again dwelt on the importance of "going slow" and proceeding by provinces.

It was apparent to me that the idealistic Secretary of State did not like these views.

Sinha lavishly praised Montagu's great work. It must be said to my noble friend's credit that he never recanted from his faith in Montagu, and whenever he happened to be in England he always, as he told me, placed a wreath on his patron's tomb, which was somewhat different from another who was then a warm supporter of the Reforms, but who since has come to the conclusion that "Dyarchy" spells "Anarchy." That my views on the question were shared in some high quarters, was proved to me by a gracious appreciation of my letters to *The Times* on this subject.

I have often marvelled at the mental pliability of the Brahmanical Hindu. It enables him to adapt himself to the conceptions of foreigners who come to his country in positions of influence. This was so under Pathan Sovereigns and Mughul

Emperors. It has continued ever since. He has now adopted the letter but not the spirit of the great XIXth Century sages, Bentham, Mill, Herbert Spencer and others more advanced. To quote an instance, an English-educated Brahman was recently expounding the theory of Home Rule for India with many well-known *cliches* such as "self-government is better than good government," and "political liberty is the most precious boon of mankind ;" but closed with the proviso which embodies all the claims to privilege of the "twice-born" higher caste Hindus, "EQUAL RIGHTS FOR ALL MEN—THAT IS ALL NONSENSE ! "

When Montagu and Lord Chelmsford proceeded on their tour to ascertain whether the peoples of India were advanced enough to receive the boon of democratic government, the oligarchic castes met them with pre-eminent zeal, and were ready to accept projects for Indian constitutional development in the firm belief that any advance would eventually bring them power.

During his tour in India, Montagu came under the influence of one of the most remarkable of my countrymen. He was one of the subtlest lawyers of the Hindu persuasion, with an ingratiating manner and an acute intellect. He succeeded in convincing the Secretary of State that he had to provide for a homogeneous nation and not, as is the case, for heterogeneous races and communities. He acquired ascendancy over the minds of many of the men who were striving to give India a constitution.

His influence over the enthusiastic statesman was, to many, inexplicable. He claimed to have selected Montagu's peers who were introduced into the House of Lords where considerable opposition was expected. The one was Lord Sinha whose recent death is mourned by the whole of India ; the other Lord Meston, a British I.C.S. officer who now seems to see the dangers inherent in the principles inculcated by Montagu in 1917.

The Secretary of State's confidant claimed even to have provided Lloyd George with a Viceroy versed in the technique of Neo-Radicalism and in full sympathy with Montagu's aspirations for India's democratic development and apparently succeeded in instilling into the mind of his friend that once

the Reforms were launched all difficulties would disappear.

Inspite of asseverations to the contrary, Radical statesmen are essentially idealists. Without regard to the differences in development of the several parts of India, or the communal divergencies between creeds and the different mental outlook of races, the Act was passed.

Had the Secretary of State in 1918 been as cautious as his predecessor in 1908 intended to be, I have personally little doubt that the Reforms which he inaugurated would have borne better fruit, but whether I am right or wrong avails very little in the settlement of the question whether India as a whole was prepared for the Reforms. To my mind the whole difficulty arises from racial and communal differences which from the nature of things exist in the country.

There are many ruling Princes of separate Feudatory States. In Southern India the Nizam holds a territory more populous than Spain. Mysore and Travancore come next. Rajputana is a mosaic of states large and small, and Northern India as a whole contains many such principalities owing to circumstances which developed after the fall of the Mughul Empire. The powers of ruling chiefs are guaranteed by treaties with the British Government.

Apart from these facts, over the vast tracts of British India the people are divided amongst themselves in every part of the country, even from village to village, into races and communities differing vastly from each other in their history and development. Many of the peoples inhabiting India owe their differences to distinctive origins.

Hindu Aryans—by which I mean the castes marked out in the beginning of Indian History—occupy a pre-eminent position in the social economy of Hinduism. As the Aryan Hindus progressed towards the East and South they absorbed many of the ideas of the aboriginal races whom they conquered and enslaved. It is natural that they should now desire to utilise modern political institutions to regain their domination over all the other races of India. Montagu failed to perceive this tendency.

The depressed classes number 52 millions or more, and are those who were rejected by the Brahmans from communion with ancient Brahmanism.

The Muslims who came to India in the tenth century of the Christian era and acquired mastery of the North in the twelfth century, have a totally different outlook and political aspirations. In 1765 a Muslim Sovereign assigned to the East India Company the right of the collection of the revenue of Bengal, Bihar and Orissa the then richest Mughul provinces. In 1802 the Great Mughul granted title to the Company as virtual rulers of India.

In 1761, as I have said before, four years before the East India Company obtained the right to collect the revenue of Bengal and the other provinces, of Bihar and Orissa, in the name of the Mughul Emperor, the great Maratha power was shattered as a confederacy never to rise again.

From 1765 to 1865, inspite of the great convulsion of the Mutiny, the Muslims enjoyed a fair share of state patronage, I have described elsewhere the disastrous effects of the changes then made by the Government, in an article already mentioned which I wrote for the *Nineteenth Century* in June 1882. This article was followed by the Memorial from the Central National Muhammadan Association to Lord Ripon's Government in 1883. Two years later, under Lord Dufferin, the Government of India realised the necessity of dealing with the Muslim question in a spirit of broad statesmanship and with justice.

The Resolution which was issued in March 1885 is naturally regarded by them as their Magna Carta.

When Lord Ripon was leaving India he asked if he could do anything for me. I answered that I should be quite content if Government would accord a favourable consideration to the Muslim Representation.

The Muslims, unfortunately, all over the world have short memories.

The communal feuds which unhappily are now rampant all over India began with the Reforms. The real fact is that one community sees in the alleged democratisation of India, or rather British India, the chance of predominance by weight of numbers and better political organisation over the other communities ; whilst the less organised sections fear the fate which was meted out to the Buddhists by Hindu reaction in mediaeval India.

And now that many provinces, districts, townships and

villages, are seething with racial, religious, or sectarian hatred, British officialdom as the true inheritor of Montagu's ideals, is inclined to take the line of least resistance in dealing with the difficulties of the situation. The *pariah* is weak, the Muslim has few votes ; in a riot they must, therefore, be presumed in the wrong.

No one can accuse me of partisanship. I have never exclusively supported one creed, one people, or one sect. I have always pleaded for justice and fair play for all. Over 150 sects and peoples with different dialects and languages inhabit India. It would be monstrous to let one community dominate the others because it possessed by its numbers, a larger voting power. I remember a time not so very long ago when all the communities lived together in peace and harmony, but that was before votes were made the subject of administrative policy.

In a later article in the *Nineteenth Century*, after Lord Morley had upset the political equilibrium, (besides the one of 1882 already mentioned), I have traced the stages of the decadence of the Muslim people under British rule. In all these years I have not changed my views ; on the contrary I am confirmed in the belief that Governments by encouraging the idea that numbers and votes prevail, favour the present discord and agitation. So long as this attitude is maintained, there will be no peace in India.

THE COMMUNAL QUESTION

I venture to think that few who are not acquainted with India realise adequately the origin or the gravity of what are called "intercommunal conflicts," which have become in recent years rampant almost all over India, unless they know something of the causes that have fostered the racial hostility.

In my early days there was unquestionably more goodwill between Englishmen and Indians, and more friendly feeling between the races and nationalities of India than is now observable. This may have been due to the better breeding of the Englishmen, or to the lesser consciousness of power on the part of the militant sections of the population. There was also undoubtedly less hostility between section and section.

There was no "Communal Question" to divide the Hindus from the Muslims. The hand of Government was not stayed by clamorous factions; each community was free to exercise the rights of its religion without interference by the other; and as I have said before there was often much friendly feeling between individuals and families of the different communities and religions.

The political situation which has arisen in India within recent years, is in one sense, no doubt, a protest against racial arrogance. The violent agitation to pull down a fabric for which at present there is no substitute, is largely due to lack of breeding and good manners among a proportion of persons going from the West to hold office or to work among races and communities with old civilisations of their own.

The idea, however, of substituting one trained bureaucracy by another, inexperienced, narrow in its vision, and without prestige to maintain its power, does not strike inflamed minds as fantastic. It has been wisely observed by a real friend of the country that "the crude wine of rapid reforms may work like poison in the veins of India."[1]

I cannot help observing with some anxiety that the Central and Provincial administrations are not so strong as two decades ago. Nor can I forget 1921, when the peasantry of a part of the United Provinces arose in mad revolt against the exactions of their landlords and when crimes were committed over which racial or caste pride has thrown a veil. "The sun-dried bureaucrat" of Lord Morley shewed laxity of grip, but others were found to be more wanting.

Moreover in the anxiety to placate the majority, more pressure is brought to bear on minorities than was the case in previous years. It is the story of the daughters of the horse leech, to those who clamour the more the more is given. What astonishes me most is the fact that even when the Muslims are within their rights and desire to carry out the dictates of their religion without interfering with the rights of others, the Government is sometimes weak enough to give in to the majority, and evade making for the protection of the members of the weaker and less clamorous community. This in the end leads to serious trouble for the administration and to the

[1] Sir Walter Lawrence, *The India We Served*, p. 190.

imperilment of public security.

I greatly fear that "rapid reforms," though they may satisfy idealists who wish to write their names as constitution-makers on the pages of history, may lead to a convulsion in which the whole fabric of the Indian Empire may stand to lose what it has gained since the Mutiny.

My fear that "rapid reforms" and administration by an inexperienced bureaucracy, wanting in the spirit of collabora-tion for the national good, will lead to the undoing of India, is supported by the strong indictment the Bengal Government has levelled at the Calcutta Corporation. The charge is not only of incompetency but of extravagance and waste of public funds with neglect of duties. The Memorandum is so impor-tant and sheds so much light on *swarajism* in action that I am tempted to quote the summary telegraphed from Calcutta and published in *The Times* of the 29th June 1928 :

"CALCUTTA CORPORATION.

"*Swarajist Extravagance—Calcutta, June 27th.*

"The Government of Bengal in a Memorandum on the working of the Reforms, strongly criticises the *Swarajist* regime in the Calcutta Corporation.

"It says that there is little check on extravagance, con-sequent upon the authority of the Chief Executive Officer being reduced to a shadow, that there is growing indiscipline among the staff, and that no progress has been made in the solution of the urgent problems of drainage and water-supply. There is a most objection-able relaxation in the matter of building rules and in the collection of unpaid taxes, and the balances are consequently depleted and the borrowing capacity reduced. Until the administration is conducted in the interests of the inhabitants of Calcutta and not of a political party, the chances of improvement are small."

The desire for change, no doubt, springs in large part from the natural objection of the higher races of India to be treated as inferiors by overseas strangers. *Swarajism* is only a revolt against the domineering cult of the "white man's burden." In my early days, the outward manifestation of this cult was

kept within bounds by good breeding and good instincts. The continuous influx of strangers who owe no responsibility and possess no traditions, has led to a deplorable deterioration of manners. And yet, although the "revolt" is natural, it is in my opinion hopelessly misdirected.

The Central Government has, in its anxiety to conciliate the discontented classes, lost some of its authority. It is refreshing to see that one of the provincial governments has had the courage to condemn in unhesitating language the flood of calumny that has poured on public servants. Again the Bengal Government has broken the recent traditions, and carried the war into the enemy's quarters. *The Times* of the 5th July 1928 published the following telegram from its Calcutta correspondent, under the heading of "Press Licence in Calcutta":

> "The official report of the Bengal Administration for 1927, which was published to-day, in discussing the unrestrained licence of the Indian Press, says that the Government in the eyes of these newspapers, can do nothing right, and throughout the year had to face the ordeal of a 'morning hate' from the Editorial forces of almost all the newspapers of Calcutta.
>
> "This campaign of unscrupulous misrepresentation, says the report, has now gone to such lengths that it is difficult to justify further tolerance, and the evil results of its persistent vilification on an ill-balanced community have already manifested themselves in ugly and ominous forms. The reputation of the official classes and of the Government has been seriously undermined by the unending repetition of falsehood, and it is idle to hope that ultimately the truth will prevail through its own inherent strength. Before that comes about irremediable mischief may have been done, and the existing state of things should, therefore, be brought to an immediate end.
>
> "The report pays a high compliment to the European press saying that 'the serene confidence of its editorial columns kept it far above the sordid clamour of its rivals.' In justifying its difficulties the report refers to the verdict against *The Statesman* obtained

by Bose, a former political prisoner, on account of its leading article on Lord Lytton's speech, and says that to the lay mind it is incomprehensible that the public utterances of a privileged persons may be quoted in full, however libellous, but on any attempt to draw obvious inferences a newspaper may be called on to produce proof which is not available to the public, although there is full assurance that it exists, and widespread confidence exists in its truth."

The latest instance of the recklessness of the Calcutta *Swarajist* Press is supplied by "Forward," the Berlin correspondent of which asserts that British agents distributed photographs of Queen Sorayya in European evening dress in Afghanistan, and in Persia during the royal visit, in hopes of stirring up a rebellion among fanatical Afghans.

India has never been a homogeneous country. From the earliest times it has been inhabited by diversified races, differing in customs and religions and languages. When the Aryans burst into "the land of the five rivers" it was not uninhabited. They either slaughtered the original children of the soil, or enslaved them and they formed the nucleus of the lowest castes who became the hewers of wood but not the drawers of water, for their touch was defilement and pollution. The three superior castes formed the kernel of the nation. There was an impassable barrier between the several ranks of society or castes, and *caste* has remained for ages the quintessence of Hinduism and still governs the lives of the people who accept its rules.

Among the three castes who form the aristocracy of the Hindu social system the Brahman occupies the pre-eminent position ; he is not only the expounder of the law and the counsellor of the King, but he furnishes the avenue that leads to heaven. The worshippers' part in the worship of the gods is all in the hands of the officiating Brahman. It is he who lights the fire, offers the perfume, and recites the incan- t ations which cause the divinities of the pious Hindu to descend to earth.

As the Brahmanical Aryans advanced eastward and souhtward and reduced to slavery the indigenous population who formed the *Sudra* castes, they amalgamated the

divinities of the new converts with their own, in order to secure uniformity. And yet the *Sudra* was considered so low that in the Institutes of Manu, that "hoary sage whose identity is lost in the mist of ages," it is declared that if a *Sudra* by chance heard the Vedas (the sacred books of the Brahmans) recited, "molten lead was to be poured into his ears." And if a *Sudra* unwittingly sat down on the same seat as a Brahman, "he was to be branded on the offending part with a hot iron."

It can hardly be said that Brahmanism received the taint of intolerance from its Muslim rulers. As a matter of fact the *Mitakshara*, the great work of Vidyaneswara, was compiled in the full tide of Muslim conquest ; and the learned lady Balambhatta wrote her commentary about a century and half later under a Muslim Sovereign.

Brahmanism suffered an eclipse under Asoka, and the Buddhist kings and emperors, but its revival is depicted in ghastly colours on the temples of Madura. Buddhism was wiped out in India and Sakyamuni's votaries are now only represented by stray pilgrims from outside the land of Buddha's birth.

THE BRITISH RED CRESCENT SOCIETY AND THE BALKAN WAR

It was sometime before the Great War that I was invited by the "Chatham Dining Club" to address them on the subject of British Policy towards the Muslim States. This Club was established by earnest young Conservatives, afterwards destined to play a great part in the administration of the Empire. Earl Percy, now Duke of Northumberland, and George Lloyd, M.P. at one time Governor of Bombay, now Lord Lloyd, and British High Commissioner in Egypt, and other young statesmen, were members of this select circle. The Hon. Aubrey Herbert, M.P., Sir Mark Sykes and others, were among the most ardent. Alas, like so many of the pick of British youth, Major Ommaney was killed in action, Samuel Pepys Cockerell died of smallpox on service in Egypt and great-hearted Aubrey Herbert came to an early end as a result of hardships and wounds undergone during the war.

They asked me several times to speak to them on the

cultural influence which Great Britain could, by reason of her position and prestige, exercise throughout the Muslim world. I pointed out that ranging from the confines of the Atlantic almost to the Pacific there was a block of Muslim countries with ideals and modes of thought intrinsically prepared to accept the cultural dominance of Great Britian and that it was her moral duty to take up that position.

I had long considered it a discredit to the Islamic world that the capital of the British Empire which ruled over vast millions of the followers of Islam did not possess a suitable place of worship for the Muslim subjects of the King and Muslim visitors coming to England. In November 1910 I launched the project I had cherished of a Mosque in London.

The Executive Committee applied officially for the gracious patronage of the Sovereign, but we were informed that the Secretary of State for India, Lord Morley, had advised adversely. Our application was accordingly refused.

The Sultan-Caliph Muhammad V and the ex-Shah of Persia gave their assent to become patrons of the fund and contributed £ 1,000 each, in furtherance of the project. The Late Nizam also subscribed rupees 25,000 and His Exalted Highness Asaf Jah Nizam-ul-Mulk has recently contributed £ 1,000. We also received other subscriptions from Persia where the project has aroused great enthusiasm.

I perceive with sorrow that there appears to be, for some occult reason, a general decline of interest in the furtherance of duties enjoyed by their religion among the rich Muslims of India. With some notable exceptions, magnates and ruling chiefs, whilst ready to contribute lavishly to objects favoured by Government functionaries, tighten their purses when an appeal is made to them for a pious or a religious purpose with every guarantee for its proper performance.

This is in glaring contrast to the Muslims of North Africa, who with the assistance of the French Government have collaborated in building a Mosque and Institute in Paris worthy of the Muslim citizens and colonials of the French Empire.

Comparatively a small proportion only of the large sum needed for a Mosque in London was subscribed, and this fund is deposited in the Bank of England under the Trusteeship of Lords Ampthill, and Lamington, and H.H. the Aga Khan,

associated with me.

In 1926 Her Highness the Begum of Bhopal came to England accompanied by her younger son Hamidullah with the object of procuring his recognition as her successor on the throne of Bhopal. Whilst the Begum was in London she made promises of help to build the Mosque and also to add an annexe to the Mosque at Woking, which her mother had greatly assisted in founding. These promises have not yet come to fruition.

For students of European history the annals of the great Sultans of Turkey are full of interest. No nation suffered so much from hostile attacks, and survived, as the Ottoman Empire between 1800 and 1914. There was a War in 1812; another in 1829; another in 1840; the Crimean War commenced with an attack on the Turkish Danubian Provinces in 1854. Turkish frontier towns both there and in Armenia became famous for their gallant defence under British officers. In 1876 the Servians were hopelessly defeated by a great general of the old regime; but they were saved from re-conquest by the intervention of Russia, which in 1877 forced another War on Turkey. A vivid account of the events of the time is to be found in Queen Victoria's letters.

The upshot will be remembered by all. An independent Turkey and the independent control of the Straits was then a cardinal principle of British Policy. Lord Beaconsfield sent the fleet up the Dardanelles and brought Indian troops to Malta, to show the Russians that he was prepared to maintain policy of the Empire at all costs.

My interest in old Turkey dates from 1877: from the Journal called the *Dar-ul-Khilafat* which was published in Arabic at the time in Constantinople, I was able to follow the course of the struggle between *Constitutionalism* under Midhat and *Absolutism* under Abdul Hamid backed by that Arch-intriguer Ignatieff. When the Russians had marched on Constantinople there was great excitement in India. A large sum was subscribed for the relief of the Turkish sufferers which was sent through the British Consul as there was sympathy with them at the time in England.

In 1897 the Greeks wantonly attacked Turkey, but were badly beaten by Edhem Pasha; the Crown Prince Constantine

who commanded the Greek Army incontinently fled to Athens. The Turkish pursuit was stopped by England and Russia. Some years later the Turks were unexpectedly attacked in their North African Province by Italy. They had no field hospitals or equipment and but few doctors to attend to their sick and wounded. Nor was there any provision for the relief of the starvation and distress which overwhelmed the civilian population of Cyrenaica and the Tripolitaine. The small boy of Turkish regular troops were wholly outnumbered but they and the Arabs fought heroically and suffered terribly. The wantonness of the attack and the sufferings of the people naturally caused excitement among the Muslims in India. As the British Red Cross would give no help some English sympathizers resolved to form an independent society styled the British Red Crescent Society to give relief to the sick and wounded and to help the starving irrespective of race or religion. The original Committee was composed of twelve members and I was elected President. The constitution of the Units and the despatch of relief was in my hands. The British Foreign Office gave every facility to our humanitarian efforts and our surgeons and hospital attendants met with great civility from the French Authorities on their way to the battle area.

It will be remembered that the Tripoli War commenced with the descent of an Italian fleet and army, without any premonitory tension, on the Coast of the African province of Tripoli, then an Ottoman possession. The following note compiled from the reports of the Society may be of interest :

The staff of the first field hospital, under Captain Dixon Johnson's (late Inniskilling Dragoons) direction, consisted of :

Dr. Bernard Haigh,

Charles E. Holton Smith,

Dressers, dispensers, and male nurses.

As this hospital was the first practical exhibition of Muslim and English co-operation in a great work of mercy, its departure from London on February 14th, 1912 attracted much attention. The equipment comprised sixty beds and the latest appliances for surgical operations. The Mission also carried funds for the relief of Arab non-combatants consisting mostly of women and children who were in a state of acute distress.

Dr. Bernard Haigh had often to work with inadequate help, owing to the illness of his assistants; at one time, indeed, three members of the staff were on the sick list. An incidental advantage of the presence of the Mission was the help it was able to afford to at least one war correspondent working under exhausting and difficult conditions. Dr. Smith practically saved the life of Alan Ostler in March at Azizia. The Central News wiring at the time said: "Alan Ostler, the correspondent of the *Daily Express* is recovering from a severe illness (typhus). He probably owes his life to the magnificent devotion of Dr. Charles Smith of the British Red Crescent Mission who, rather than leave his patient during the crisis of the illness, watched by his side day and night in the open desert with a single sentry on guard." Ostler himself says: "The Mission had come out under the auspices of the British Red Crescent Society, although I hope that some of the money spent upon it came from purely British pockets."

Owing to the large influx of sick and wounded it became necessary in May to send out an additional dresser and three male nurses. The areas of the conflict having extended, the Committee decided in June to send out a further unit under Dr. Gordon Hill, with a complete ambulance and with food supplies and clothing, the latter for relief work. This unit left London on June 12th accompanied again by Captain Dixon Johnson, who had returned for the purpose.

"The British Mission took in out-patients from all the surrounding country, unlike the other hospitals which treated military invalids only. Daily the little tents were thronged with sufferers from ophthalmia and sores and old diseases. Mothers came bringing ailing children, men who had suffered long came confident of help, and always received it. They lost their terror of the knife when in the surgery tent they saw tumours and ulcerous growths, removed without a sign of pain. Against ophthalmia, the curse of all lands wherein dust and flies abound, the English doctors waged a mighty war and many who had hardly known daylight from darkness blessed them for the gift of sight restored.[1]"

[1] Alan Ostler of the *Daily Express* in his account of the work of the Mission.

Early in September another doctor was sent to replace Dr. Smith who had returned to England, Dr. E. Griffin underwent the greatest trials on this journey to Tripoli, and, besides his own possessions, lost all the medical stores and supplied entrusted to him for Dr. Bernard Haigh. After great difficulties he reached the main hospital where he worked devotedly, until March 1913. Dr. Griffin was awarded both the D.S.O. and M.C. when serving in the R.A.M.C. during the Great War.

An eye-witness says: "It is a splendid work; you are helping both the heroic army which has so gallantly resisted the Italians, and the uncomplaining poor of Tripoli who have suffered bitterly from War following upon many bad seasons. I only venture to hope that, having made so fine a beginning, your Society will find it possible to continue, even to extend, the work."

On the conclusion of peace between Turkey and Italy the Society left a small Mission at Yffren, consisting of Dr. Turnbull and Griffin and two assistants, to minister to the sufferings of the patients still remaining in the hospitals and the vast number of sick people who had learned to look to them for medical relief. Dr. Griffin shortly after returned to London, via Turin, whilst Dr. Turnbull remained in charge of the Mission's work of mercy until Yffren fell into Italian hands. He and his assistants with the interpreter were kept in detention by the Italians for several weeks when, by the intervention of the British Consul, they were released.

While the British Red Cresent was carrying out this relief work in North Africa the storm burst which had hung over Turkey for a long time in another direction, and which was virtually the preamble of the calamity which fell on the whole world in 1914. She was attacked by four Balkan States, Bulgaria, Servia, Greece and Montenegro, with the prospect of the ill-concealed support of the "Colossus of the North" and her allies, open and covert. The genesis of the war, needs some prefatory remarks. In 1908 the Turkish "Committee of Union and Progress" were able to checkmate and ultimately to depose Sultan Abdul Hamid. They sent a Parliamentary Deputation to London with the object of bringing about an "Offensive and Defensive Alliance" between

England and Turkey. The Deputation was received with great ceremony and a Luncheon, at which the Prime Minister was present, was given to them by the Foreign Secretary.

That stalwart patriot Ahmad Riza Bey, who had spent many years in exile from Turkey for his political opinions, dined with us that same night. He waxed very eloquent over what Turkey would be able to do for her internal development with the possible help of England. The failure of the hopes of the Turks is writ large in history. England was too much pledged to Russia to take up their cause.[1]

Whilst the Turks were still in some sort of favour, or perhaps it would be more correct to say while England was maintaining a neutral attitude, the Greek Minister Dr. Gennadius came to me several times to ask me to use my good offices as a friend to forward a *rapprochement* between his country and the Ottoman Empire. He advocated an Offensive and Defensive Alliance between the two nations. I was strongly in sympathy with this proposal. Had the Turks acted on these suggestions the history of the Near East would have been differently written. But the Turkish Ambassador allowed himself to be swayed by the counsels of two men, one of whom could hardly be described as a statesman. I was told they had just concluded an arrangement with one Balkan State (it is not necessary to mention which) and "were prepared to fight Greece with one hand tied behind their backs." If, however, Greece would agree to the rendition of Tressaly, they would accept the proposal. Gennadius would not, perhaps could not, accept this condition—and much to my regret the matter was dropped.

Later I received an informal message from Count Benckendorff the Russian Ambassador asking me if I would be

[1] The following quotation from a letter written at the time refers to the movement for Reform in old Turkey and to the Syed's sympathy with it:

"His valuable interpretations of the text of the Quran which have enabled the Turkish Reforms to convince the Sheikh ul-Islam that the grant of a constitution by the head of a Muslim State was not opposed to the precepts of the Quran, and that the Caliphate would not suffer in prestige by admitting non-Muslims to civil equality and rights with Muslims in the Courts of Law. The far-reaching effects Mr. Ameer Ali's works for the salvation of the Turkey will be better appreciated by the historian of the future."

good enough to call on him, which I took an early opportunity of doing. He received me most courteously, and we had over an hour's friendly and candid talk on the Eastern Question. He imposed no limitations on our discussion or suggested that our conversation was in any way confidential. He told me in substance that the Balkan States proposed to form a confederation designed against Austrian ambitions; "would Turkey be inclined to join as *primus interpares*?" (I understood that Russia encouraged the plan). I replied that I could not answer his question without ascertaining the views of Tewfik Pasha the Turkish Ambassador. Count Benckendorff agreed with me that I should do so, and I accordingly made an appointment with the Turkish Ambassador and told him of my conversation with the Count. He expressed gratitude for the courtesy and consideration shown by the Russian Ambassador, and added "before writing to my Government on the subject I should like to be clear on one point, if Turkey is attacked by Austria, would Russia or the Balkan Confederation come to her assistance?" I submitted the question to Count Benckendorff and so far as I remember the answer was an emphatic *non-possumus*.

The next I heard of the Balkan Confederation was in somewhat tragic circumstances. In August 1911[1] when I was staying in the Engadine an Austrian diplomat, an old acquaintance, came over on a visit from St. Moritz., and gave me the first news of the Balkan conflagration.

The veteran soldier and Grand Vizier Ahmad Mukhtar Pasha, I believe, did his best to meet the enemies' onslaught but had immense difficulties to contend with. The Bulgarian and Servian forces marched up to Chataldja where they were held by the Turks. The Red Cross sent a unit under Colonel Doughty-Wylie (who afterwards fell in action against the Turks at Galipoli and was awarded a posthumous V.C.) to help the sick and wounded, but this unit was hardly strong enough to help both armies.

All my leisure from judical work was now engrossed by the increasing responsibilities of the British Red Crescent Relief. The following is a brief summary of some of the Society's activities during the Balkan Wars:

1 For 1912—Ed., *Islamic Culture*.

The Treaty of Lausanne, signed at Ouchy on October 18th, 1912, had brought the Turco-Italian War to an end ; on the outbreak of the Balkan conflict so long expected and feared by Europe the first hospital of the Society in Tripoli was promptly closed in order to transfer Dr. Bernard Haigh with a fully equipped field hospital to Constantinople.

On October 17th, the Committee determined to despatch a further Mission at the earliest possible moment to Constantinople.

Through the kind help of Harold Nicolson, at the time attached to the British Embassy in Constantinople, accommodation was secured in advance for the members. The unit including the British Hospital sisters under Colonel Surtees, C.B. (late Coldstream Guards afterwards Brigadier-General Surtees) as Director of the Mission, left London on November 1st, travelling from Marseilles. They arrived at Constantinople on November 14th 1912, and our hospital was located at Scutari. The Society was most fortunate in obtaining the services of Colonel Surtees, who had filled with distinction the position of Military Attache at Constantinople and also at Athens, and possessed an intimate knowledge of Turkey and its people and languages.

Whithin a fortnight of the departure of the first unit, the second was despatched with two more surgeons. It met with considerable difficulties from the Greek authorities. Inspite of the fact that the Foreign Office had duly advised the Athens Government on behalf of the Society of the despatch of the Mission, the whole of the staff were searched and taken prisoners of war and detained four days. The representations made on the subject then secured their release.

On arrival, Dr. Baynes, found cholera raging among the Ottoman troops, and hearing that all cholera suspects were being drafted *en masse* to San Stefano (twelve miles from Constantinople) immediately visited the place. He found the conditions at San Stefano appalling.

With the assistance of Major Doughty-Wylie, the chief of the British Red Cross Mission, he established a temporary hospital by obtaining twenty military tents, no house being then available for hospital purposes.

Towards the end of December the International Board

of Health paid Dr. Baynes the compliment of asking him to accept charge of a new hospital to be established at San Stefano, and to manage it with the British Red Crescent staff. He accepted the responsibility and the hospital was formally opened on January 23rd 1913.......

At the end of October 1912, a communication was received by the President from the Foreign Office stating that numbers of Turkish wounded were lying untended at Sofia, Philip popolis, and Adrianople. The Bulgarians were unable to cope with the demands upon their medical resources and naturally first attended to their own sick and suffering. The British Minister at Sofia cabled that a Mission would be welcomed. The call could not be refused, particularly as a handsome special donation towards responding to it was made by His Highness the Aga Khan. The matter being urgent, a staff was engaged by the Committee and despatched on November 12th 1912, with some medical panniers and drugs.

Dr. W.E. Haigh with C.R. Taylor (a volunteer), two dressers, and two orderlies, constituted the Mission.

Two ladies, Miss Gregg and Miss Peddar, also volunteered to assist Dr. Haigh and they joined his staff for more than two months. It is a matter for special satisfaction to record that Her Majesty the Queen of Bulgaria rendered the Mission most valuable assistance in supplying quantities of tinned milk, dressing, etc.

Turner wrote about Adrianople after its surrender to the Bulgars on April 4th as follows :

"You will be glad to know that owing to your promptness in sending money we were able to take provisions into the city days before any one else, and up to the present yours is the only relief that has arrived. The city was in great disorder, and some of the Turkish hospitals in the direst straits—patients had had no food for four days. I distributed at once flour, potatoes, beans, rice, cheese, oranges, etc., to those hospitals and shall continue to do so if they need."

"The Turkish prisoners were also in a terrible plight—some 6,000 are confined on an island in the river on one side of the town, and 15,000 or 20,000 on the banks of the river, on the other, with no shelter, except a few tents

for the sick—entirely inadequate—and no warmth. Provisions which at first were one loaf per day to eight men, are now one loaf per man. Everyday at least 200 die. They are being marched off as fast as possible, but there are still at least 20,000. We have established a soup kitchen on the island, and to-morrow establish another on the banks of the river. As our stores are at present the only ones available, the American missionaries are assisting us."

He was followed immediately by Dr. W.E. Haigh, accompanied by Miss Peddar and Doctors Calthrop and Bayliss.

In the midst of these onerous duties Dr. Haigh found it necessary to visit the hospital at Kniajevo, one sister having charge of a ward of serious typhus cases. Both the sisters there were working under terrible difficulties. Writing on April 17th Dr. Haigh says:

"We have had all sick from the Marash encampment cleared off and possibly 400 to 500 of them are now under a roof and having direct attention.

"Four days ago we were directly responsible for the feeding of two hospitals of this kind, with controlling and medical interests in three other buildings. Apart from our help the Bulgarian authorities are giving nothing but bread—although they have a ration once a week on paper of rice, churba, and meat."

Major General Broadwood,[1] whose kind help as a volunteer the President had been able to secure, for relief at Dedeagatch then took charge of the relief work at Adrianople. His energetic and earnest representations to the Bulgarian authorities respecting the treatment of the prisoners were effective. The following extract will give an idea of the work organised by this distinguished officer. Writing on April 15th, he says: *

"Your funds have hitherto been employed in alleviating the conditions of the prisoners of war, some 25,000 here, (Adrianople) and 10,000 at Mustapha Pasha. The prisoners had been neglected and many were in a deplorable state of sickness and want; they were dying in large numbers. We moved as many as possible of the sick into the existing Turkish hospitals and established

[1] Killed at Loos in the Great War.

two further temporary hospitals containing some 200 and 600 respectively. Soup is being issued to some 5,000 prisoners in addition, and I am establishing cooking arrangements for the weakly prisoners at Mustapha Pasha."

Reporting on these, General Broadwood says:

"Families of officers and soldiers and of Government employees or pensionaires of the Government have all to be dealt with for the present. We are doing what we can to tide over the present stress by a daily distribution of 15,000 loaves of bread and the allotment of monetary relief in special cases."

The distribution of loaves was later increased to 20,000 a day. The number of prisoners of war divided amongst various camps and hospitals was estimated by General Broadwood at from 20,000 to 25,000.

General Broadwood reported to the British Red Crescent Committee that the number of lives saved by Dr. Haigh and his colleagues could hardly be estimated. He added: "I am giving bread daily to nearly 45,000 people, on which the Mufti and other Turkish gentlemen assure me the city is practically dependent." No more striking testimony could be given to the value of the Society's work than these simple unadorned statements.

A soup kitchen was started in Constantinople under the direction of the Rev. Robert Frew who had with such devotion and self-sacrifice assisted Dr. Godwin Baynes in tending the cholera patients at San Stefano. It was first proposed to give 2,000 portions of soup daily, but the numbers presenting themselves and begging for food were so great that the work had to be extended and eventually 7,000 people were fed every day. No small proportion of them came from miles away bowl in hand to fetch the daily dole. The distribution began at one o'clock and often lasted four hours, the representatives of about 1,500 Turkish families passing through the tent every day. The cost of running the kitchen for feeding these people was estimated at £ 600 per month, and the relief lasted up to June 22nd, 1913.

Frew was assisted in his work of ministering to the starving thousands by Sister Warriner, one of the nurses of

the British Red Crescent Hospital staff, who had been sent out when cholera was raging among the Turkish soldiers. She attended to mothers and babies.

The British Red Crescent Society's representatives were thus able to save the lives of thousands of these babies and small children.

In addition to this relief work, Sister Warriner found many cases of smallpox, measles, and other illnesses needing care. Patients too ill to be nursed in the mosque were then taken by ambulance to the refugee Hospital, where they had every care. In addition to the refugees housed in the mosques some were living in houses, stables, and rough shelters. These were more difficult to find to deal with, but, as far as possible, they were visited from time to time.

After the recapture of Adrianople by the Ottoman Army, the Rev. Frew undertook the stupendous work of relieving the destitute Muslim peasantry of Thrace. Their houses were burnt down, their fields were unsown, their cattle were killed or sold for food. The land was in absolute desolation from one end to another. These were the people whom Frew undertook to help with the British Red Crescent funds, and nobly he did this work.

In the meantime his place in the administration of the soup kitchen was taken by another volunteer, Stephen Hobhouse, to whom also the Society owes a deep debt of gratitude.

In March, Captain Wyndham Deedes (now Brigadier-General Sir Wyndham Deedes, then of the Ottoman Gendarmerie), joined Sister Wheatley in the administration of relief in Asia Minor, on behalf of our Society. In addition to the thousands of families succoured by Colonel Surtees and His Highness Damad Ferid Pasha's Committee on behalf of the Society, Captain Deedes and Sister Wheatley relieved altogether 27,291 Rumelian refugees in seventy seven villages in the vilayet of Broussa (Khudavendghiar).

Appeals came in from the British Consul-General at Salonica and the Committee forthwith allocated a sum of £ 100 per week to supply relief. With this money a French Sister-of-Mercy, Sister Augustine, was enabled to establish soup kitchens which fed daily more than a thousand people.

Having regard to the utter impossibility of immediate

repatriation of the refugees owing to the certainty, as stated by Colonel Delme-Radcliffe, of their being massacred, the Committee remitted weekly £ 200 to Consul-General Lamb during the whole time the distress was at its worst to supply sufferers with bread. Altogether the Society remitted £ 1,600 to the Consul at Salonica.

Feeling that the only hope of saving the lives of these refugees, or at least of the remnant that could survive till then, was to supply them with means of transport to Asia Minor or Egypt, the President appealed direct to His Highness the Khedive for assistance. His Highness immediately wired back in reply: "Two thousand pounds sent British Consul five days ago. Another four thousand pounds worth of food leaving in Red Crescent steamer, chartered at two thousand pounds making eight thousand sent to Salonique alone. We are doing our utmost, and beg to thank you for generous assistance."

In Western Macedonia and Albania there was great need. In December 1912 a telegraphic appeal was received by the Foreign Office from His Majesty's Vice-Consul, saying that "there is urgent need of immediate assistance for 10,000 entirely destitude Muslims now in Monastir."

Pere Clement, Superieur de la Mission Sacre Coeur, (a French mission at Gallipoli) gave the Society invaluable assistance in relieving the distress among the Muslims of the Gallipoli district and wrote in the following terms:

> "The Muslim refugees continue to flock here, returning from Asia, whither they had fled at the commencement of the war; and now that peace is at last to be signed they have been sent back to people our 'deserts.' It is just a mass of ambulatory misery."

THE WORLD WAR

On the 2nd of November 1912 the *Morning Post* had published a letter from me in which I expressed my conviction that the first Balkan War had caused the collapse of Turkey as a great power, and had brought nearer the inevitable conflict between Slav and Teuton; but I little thought that it would come so soon and involve the rest of the

world. The Great War came upon us like a thunderclap. My belief had been that self-interest, if not intellectual and racial ties, would outweight individual ambitions or machinations which were tending to involve Great Britian and Germany in a collossal conflict. On the declaration of War by Great Britain, the British Red Crescent Society again commenced its activities. It presented to His Majesty's forces operating in Flanders a fully equipped Motor Field Ambulance.

When the Indian Contingent arrived in the North of France the Society's help was asked by a number of Officers, to supply the men with "comforts" to mitigate the rigours of the climate to which they were unaccustomed. As this form of

NOTE :—The following letter from the Secretary of the Indian Soldiers' Fund was found among the Syed's papers, along with one from him referring to it. As will be seen it refers to the prisoners taken by the Turks at Kut, namely the whole of the survivors of Townshend's Army.

What action was taken on the Syed's communications is not known; probably any continued relief was rendered abortive by the entry of the United States into the war, and the withdrawal of the only neutral Ambassador who had any influence with the Turkish coterie responsible for the conduct of the war.

THE ORDER OF ST. JOHN OF JERUSALEM IN ENGLAND

Indian Soldier's Fund Committee,
1, CARLTON HOUSE TERRACE,
London, S.W.

"DEAR MR. AMEER ALI,

I wonder if you will be able to be of any help to us in the following matter:

As you know something like 14,000 prisoners were taken by the Turks at Kut, of whom between 9,000 and 10,000 were Indians. During the past few months, the Turks have been gradually transferring these prisoners to Asia Minor, but, inspite of every effort on the part of the India Office and Foreign Office no official information has so far been received as to the exact place in Asia Minor where the prisoners are being interned. It has, at different times, been stated that the men or officers were to be sent to such places as Angora, Brusa, and Konia in Asia Minor, and some we know are at Afiun Karahissar. Others are still at Baghdad, especially those that are sick, and some we know have arrived at Aleppo, on their way to their final internment camps.

Towards the beginning of July a Conference was held at the India Office, at which the Foreign Office, India Office, War Office, Royal Army Clothing Department, Prisoners of War Help Committee, and ourselves were all represented, to consider measures for sending comforts and clothing to these prisoners of war, and to get a route to them opened out through the kind offices of the American Ambassador in Cons-

(Contd.)

activity was not included in the objects of the British Red Crescent Society, I inaugurated a separate Fund under the name of "The Indian Troops Comforts Account," which was

tantinople. The subject, however, is beset with difficulties because a land route to reach Constantinople must necessarily pass through Bulgaria, and the ports, such as Smyrna, Adana, Alexandretta, at which supplies might be landed, are all, of course, enemy ports. So far no satisfactory communication has been received from the American Ambassador, and everything is at a standstill.

Although we know that the Turks treat their prisoners with humanity we also know that they themselves are none too well supplied with ordinary comforts, hospital comforts, or clothing. We also know, from private letters, that many of the officers, even of high rank, have no clothing other than the rags in which they have done long marches on the way from Baghadad all these months past. We have sent to the American Ambassador £1,000 in cash for distribution through the Ottoman Red Crescent, and with the help of the American Consular Officials the British Red Cross Society has done the same thing, or rather has sent £2,500 to provide hospital comforts, through the same agency. The Red Cross Society, I may mention, is willing to spend any sum of money in reason to get stores forwarded to these prisoners. We ourselves have at the present time over £13,000 in hand for expenditure on providing comforts and clothing for the purely Indian portion of the prisoners. Nothing, however, can be done until a route is opened and we know definitely where all the prisoners are to be.

You, I know, are interested in the Red Crescent Society and it occurs to me as quite likely that you may have friends in Constantinople who could assist us with the Turkish Government in (1) distributing gifts consigned to the American Embassy in Constantinople; (2) in getting those gifts through Bulgaria by some agency; (3) in getting the Turkish Government's permission to land supplies in a netural ship at port, such as Scutari, Smyrna, Adana, or whatever place may be convenient to the Turkish Government.

Will you please let me know whether you can help us in any of these ways? We know from private sources that many of the officers are in a very bad state owing to the long marches which they have undergone between Baghdad and Asia Minor, and that very many of them are suffering from dysentery and other exhausting diseases. Sir John Hewett and my Committee, like many other people, are appalled to think what the result may be unless clothing and comforts can be got through to these men before very long. They will probably most of them die of cold, apart from anything else, if left in places on the highlands of Asia Minor during the winter without proper clothing and men suffering from dysentery will require medical comforts not to be mention such things as condensed milk, etc.

Yours sincerely,
P.D. AGNEW,
Hon Secretary".

worked by the voluntary assistance of friends in England. We received most generous help in money and material from all parts of Great Britain, and were thus able to supply to a number of Indian Regiments, through their Commanding Officers, additions of special things to their already generous diet, as well as comforts and footwear; and most welcome of all, as we were told, waterproof turban covers and trench boots, and such-like. Adjutants and other officers were good enough to write direct to me for any particular needs of the men under their charge. The diversity of nationalities among Indian Regiments, requiring different kinds of food and necessaries, etc., made our task anything but monotonous.

Besides the comforts for soldiers at the front, we sent parcels of food and articles to ease their captivity, to the Indian and Algerian prisoners in German hands. We also communicated for them with their families during their detention, and it was gratifying to me later to get letters from Indian soldiers who had returned, safely to their homes.

At times British Officers who were prisoners of war, informed me, through letters to their relations at home, of certain hardships to which captured Indians Officers were subjected. One was a case of solitary confinement. With the kind help of neutral Embassies I was able to mitigate their lot.

Strathpeffer, N. .
18 th August 1916.

"MY DEAR—

I have received a very important communication from Agnew, asking my advice as to how they might send help to British prisoners in Turkey, and if I can give any assistance. The foreign Office, the War Office, the India Office, the Indian soldiers Fund, and the Red Cross, had a joint conference but could not arrive at a solution. Agnew now writes to me.

As you are not here I consulted General Rundle who is here.

He said the question is a very big one and that I ought to give my views to Grey or to Hardinge or to De Bunsen, and not to someone in a subordinate position like Agnew. I propose to write to Agnew and say that I would be only too glad to give any assistance I can, and am willing to write to the Turks I know, as he suggests.

But in order that help may reach its destination effectively, the question has to be dealt with, in my opinion, by the F.O. in an Imperial manner.

I am, therefore, submitting a Memorandum to Lord Hardinge direct what do you think of this?—"

THE ANGORA TURKS

The story of my conflict of opinion with the Angora Turks may here be related. I had long made efforts on behalf of Turkey in the affirmation of her rights in the comity of Nations, and in the relief on the suffering and distress to which her unfortunate people had so often been subjected, and I believe that the much abused "Old Turk" who was a nature's gentleman, was grateful.

In 1877 when the Russians were hammering at the gates of Constantinople I used my endeavours to explain to the West how necessary was an independent Turkey to the peace of Europe. This was, and had been for long before, the keystone of the foreign policy in the East of the British Government; but a large party took a contrary view which afterwards to a great extent prevailed.

As will be seen above, when Constantinople and its neighbourhood were crowded with refugees from different parts of the Turkish Empire, the British Red Crescent Society, under my guidance, helped the administration to relieve sickness and starvation among the homeless people; and the munificence of His Exalted Highness the Nizam enabled us to do some good work with the assistance of British and French workers on the spot.

When the notorious massacre in Smyrna was committed by the Greek forces at the time of their landing in 1919, numbers of suffering Muslims also received assistance at the request of British residents and eye-witnesses. The need for this is shown by the following authentic account of the occurrences in Smyrna and the Aidin District in 1919 by a British eye-witness:

> "The Turkish authorities issued a General Order the day before the landing that no resistance was to be offered—a time was also named for handing over G.H.Q.
>
> "The order seems to have been obeyed but the Greek troops broke into some of the places where Turkish officers were gathered and shot down all who refused to cry 'Zeto Venezelos'. I am told that between 200 and 300 officials were killed, but am not able to substantiate the statement as to numbers.

"The Vali was dragged along the quay with his hands up and carried a prisoner on board a Greek ship. His fez was taken off and trampled under foot. His wife (a purdah lady) was hurt and his house looted. The Chief of the Turkish Staff was bayonetted in the face and thrown into the hold of a Greek cattle-ship among the cattle. The senior doctor of the Turkish Army Corps was murdered, and on Monday last the body had not been found. The Chief of the Artillery was also murdered, his brother a young doctor was robbed of everything even to his wedding ring; he showed me the mark made in getting it off, and said in some cases fingers had been cut to remove rings. His wife, though a Russian, was robbed of everything too.

"These are only a few cases I saw myself—everywhere it has been the same. In the villages not only have houses been looted but burnt or pulled down.

"What the Allied fleet was doing to allow this sort of thing to go on I don't understand, for the Greeks, both Military and Civil, took a hand in it—and it was not until they were attacked that the Turks showed any fight. The Greeks claim that Smyrna is Greek—as a matter of fact Christians are in a majority here—but not Greek Christians. Of Ottoman Greeks and Ottoman Turks there are more Ottoman Turks.

"In other places, such as Mainsa, which I understand the Greeks are to occupy, four-fifths of the population is Muslim.

"There are a few purely Greek villages near Smyrna, but the population as a whole is Muslim. Can nothing be done to get a Commission of Inter-Allied Commissioners who know the country—sent to report on the population ?

"This time I have been to Dianan and Dinizle, both places full of refugees from the Aidin District, which, as you probably know, has been destroyed by the Greek Army. It seems that after occupying Aidin the Greeks began to arrest all Turkish notables inspite of the expostulations of the Turkish Government. They next began a house to house visitation for arms—violating harems

and insulting and robbing the ladies. This induced a number of Muslim families to leave the town and seek refuge in the mountains. The Greeks promptly burnt their houses, and, of course, the men returned bent on revenge and the trouble started. The Greeks used machine guns and mowed down everybody including a number of Christians, and they killed every Muslim they could lay their hands on, women and children were shut up in houses nominally for safety and then the houses were burnt, and all the usual horrors attendant on massacres went on. I think the worst individual act of cruelty was the fate meted out to four women who defended themselves and their homes with their husbands' guns. They were caught and killed by being impaled on wooden spikes.

"When the town had been destroyed the Greeks attacked the farms and villages, 69 of the latter have been wiped out and all farms belonging to Muslims have been destroyed. There must be about 100,000 refugees, at least, about the country, most of them escaped with only the clothes they were wearing and are in the depths of misery. 9,716 are said to have been killed, while there is a long list of missing. What is going to happen to these people during the winter I can't think.... The further advance of the Greeks has been stopped by the 'National Turkish Army' which also turned them out of Nazili. Even many of the Ottoman Greeks themselves are beginning to regret the advent of the Hellenic Army, they say 'that if they remain, Anatolia will become a second Macedonia.' Besides they got rather a sickner of their Hellenic friends at Aivali. There a band of about 1,500 Turks attacked the Greek Army some 3,000 strong with guns, and the Greeks ran away. The local Christians wanted to run, too, but the Hellenes found them in the way, and turned on them with their bayonets. The result was that, between the advancing Turks and retiring Greeks, they got pretty well wiped out. When they had finished retiring the Greek army wiped out all the Muslim villages in that region in revenge.

"You know the first Greek Division to land in Smyrna was the very Division which murdered our Marines and the French at Athens before Greece was starved into war. We have short memories, have we not? And, of course, the man in the street knows nothing of what has been going on."

We appealed to Lloyd George to stay the advance of the Greeks but our request was unheeded.

The Rev. Frew, formerly British Chaplain at Constantinople, who had so nobly assisted the British Red Crescent Society's charitable activities there and in Thrace during the Balkan Wars, again went forth on our behalf to the districts of Anatolia where the suffering was most acute. Our help was given without stint to Mustapha Kemal's new society for the welfare of the Turkish children, and it continued to the very day on which the Angora Turks singled me out for violent personal attack.

After the defeat of the Greeks and the flight of Sultan Wahid-ud-din (Muhammad VI) in 1922 the Angora Turks elected Abdul Majid as Caliph. This cultivated and patriotic man received the "*Bai'at*" of the Turkish Assembly and the spiritual allegiance of the Turkish nation.

The Caliphate is a spiritual dignity which has existed since the early days of Islam. Like the Papacy in Catholic Christendom, it is the keystone of orthodox faith. It commands respect even among Muslims who are not strictly orthodox and who give spiritual allegiance to other Pontiffs.

Some time after this the Angora Turks planned the total abolition of the Caliphate, at the instigation, as was supposed, of their Premier Ismat Pasha.

H.H. the Aga Khan, himself the sole spiritual leader of a large sect of non-orthodox Muslims, and I, felt it our duty jointly to appeal to Angora for the maintenance of the Caliphate with its age-long traditions, and the world of Islam was at one with our sentiments.

As unprejudiced readers agreed our letters to Fethy Bey and Ghazi Ismat Pasha contained no reason to justify the subsequent fury of the Angora Government, which prosecuted the unfortunate editors of some Constantinople newspapers for publishing them. In addressing the Tribunal the Angora Public

Prosecutor stigmatised H.H. the Aga Khan and me as "the real criminals."

In December 1923 Shevky Pasha, with whom I had been on friendly terms during his stay in England, came to ask me to overlook the conduct of the "new Turks" towards me. I replied that unless a public apology was offered for the violence of their expressions, I would no longer be concerned with them, and I have maintained this attitude.

The Turks of Angora have this year (1928) disestablished Islam as the State Religion of Turkey. *The Times* in a leading article on the matter aptly said "New Turkey is apparently borrowing its principles from the banks of the Neva and the Seine."

Turkey possessed the sympathy and support of the Islamic world so long as she maintained the Caliphate, but alienated it the moment the Caliph and his family were ejected from her territory without provision and with the confiscation of all their property, to subsist on the charity of other Muslims, and some Christians, in a Christian country.

This act of the new rulers of Turkey has been worthily denounced by the Ulema of Al-Azhar, the rigorous representatives of orthodox Islam.

THE PRIVY COUNCIL

In November 1909, I was appointed a member of His Majesty's Privy Council in order to serve on the Judicial Committee. This I have done for nearly 19 years.

For the first three years I gave my services entirely without stipend; as did Sir John Edge. It was only on Sir Arthur Wilson's retirement that Sir John Edge and I received the "indemnity" under Act II and III, Will. IV, but this so-called "indemnity" did not cover a fraction of what was entailed in attendance at the sittings of the Board. The sum considered sufficient in 1832 was wholly inadequate 80 years later. The Appeals had increased immensely and sittings were almost constant. But we who were appointed as experts in Indian Law did not receive from His Majesty's Government even the emolument paid to the members of the Council of the Secretary of State for India. It is only now

after our long services that a measure has been introduced to give new members of the Judicial Committee ten times the "indemnity" we received.

When I joined the Judicial Committee Lord MacNaughton ordinarily presided at the sitting of the Board. He was unquestionably the ablest member of the Judicial Committee and his experience was most valuable. In his time each member of the Board took charge of the judgements in rotation, nor was any case ever taken out of turn. He thus maintained a uniformity of practice with a sense of responsibility among his colleagues. Since his dealth this time—honoured system which had worked so admirably for more than a century has disappeared.

On a recent occasion when the President had allotted me a judgment to write, a member of the Board suggested that it would have more weight if delivered by a Peer! I was, therefore, required to write a Memorandum for the use of my learned and noble colleague.

How necessary it was to have on the Board a member thoroughly acquainted with the customs and institutions of India as a whole and some knowledge of the ordinary phrases in use in the different parts of the country, will appear from the fact that "Wilson's Glossary" was in constant use for the interpretation of common terms; often the meaning of quite simple words was a subject of debate among opposing counsel.

As the Indian Appeals came from every part of the great sub-continent, experience of one Province or of one High Court or of one community is insufficient. It was essential, I found to have a general idea of the entire Indian Empire and the various people. To quote one instance only, the Burmese are quite distinct from the peoples of India; and the growth of their institutions has proceeded on different lines.

There has been much talk within the last year or two of "improving" the Judicial Committee.

Shorn of its verbiage, the implication involved in this statement is that the administration of justice has hitherto been defective, and that the great minds who now rule the Empire have only just awakened to the idea. This plain

statement will, I fear, affect the confidence of the people of the Eastern Empire of England in the administration of justice. It will lead them to think that men like Barnes Peacock, Kingdom, Colville, MacNaughton, and others before and since, had not been competent and that their incapacity is only now comprehended.

I have been a party to a number of cases in which I have fundamentally differed from my noble colleagues. I would be very loth, however, to charge them with incompetence. English Law, like all highly developed systems, is a paradoxical jumble of principles. In deciding the cases to which I refer, the majority, in my opinion, wrongly applied English doctrines to Indian institutions. But it would be impertinence to say that there was incompetence—a charge now levelled at a judicial body whose reputation should be sedulously maintained as a matter of State policy.

Two currents of opinion with regard to the Judicial Committee are running in India. One is represented by the Government of India, which naturally desires to have in its own hands the nominations to it under cover of the phrase "the improvement of the Judicial Committee." In its desire to introduce its own proteges under pretext of "recent experience" it has failed to perceive the slur cast upon all the past Lords of Appeal who have sat on the Board, and that this weakens the authority of judgments delivered before the access of "recent experience."

So far as Hindu Law is concerned, neither Manu, Yanjnuvalkya, Vijnaneswara or Jamutavahana can receive much light from "recent experience." If the Government of India had due understanding of the work of the Judicial Committee, it would have realised that the cases in which "recent experience" can be of the slightest value are few and far between.

A Bill has recently been introduced in Parliament for the reconstitution of the Judicial Committee. It frankly abolishes the old established rule of "Judicial experience" as being the *sine qua non* for eligibility for appointment to His Majesty's Privy Council. It embodies in a concrete form the spirit of the age which has manifested itself in India. "Judicial experience" hitherto furnished a definite standard of qualification. Under the new measure there is none: every legal

practitioner above the grade of a "Mukhtar" of fourteen years standing is declared eligible for appointment to the highest Tribunal of the Empire which has until now commanded the confidence of India, and has been the admiration of the world.

SOME INDIAN SUGGESTIONS FOR INDIA

The accession of a Liberal Ministry to power will, in all likelihood, affect the principles upon which India has hitherto been governed. The members of the present Government were able to perceive, whilst in Opposition, from an independent standpoint, the mistakes which vitiated the policy of their predecessors in affice, and to realise, to a certain extent, the absence of sympathy between the rulers and the ruled which characterised the direction of affairs until now. The hope, therefore, entertained on all sides in India that the commencement of a fresh *regime* will inaugurate a more Liberal policy in that country, can hardly be considered illegitimate or irrational. The difficulties which surround all Indian questions, and prevent Englishmen from ascertaining genuine Indian public opinion, lead to the impression that it will not be inopportune at the present moment to place on record a few suggestions, from an Indian point of view, for the consideration of those to whose hands the destiny of the country has been confided.

The first thing to which the serious attention of the Liberal Ministry will probably be directed is the financial condition of India and the system of taxation in force there. In fact, the rehabilitation of Indian finances is a question of the greatest emergency, and any delay in grappling with it will be a grievous mistake. The partial repeal of the duty on imported cotton goods, by which the Indian Government abandoned without any tangible reason a considerable amount of revenue, was one of those mistakes which leave their mark on the mind of the people for long periods of time. It gave rise to an impression, not without reason, that the interests of the people of India were sacrificed in deference to the wishes of a portion of the British community; and this opinion obtained public utterance in various quarters. It is a fact which has been lately recognised by one of the leading Liberal statesmen in England, that the cotton duties are not maintained for pro-

tective purposes, but rather for fiscal reasons and exigencies. An indirect tax of this nature is more in conformity with the wishes of the people than any direct form of taxation; and while it saves the Government much odium, it spares the population from the tender mercies of the tax-collector. The people, as a body, approved of the duty levied on cotton goods, because its incidence was hardly perceptible to them. The Government having abandoned a portion of the revenue, recourse was had to other measures to recoup the loss thereby sustained. That to a certain extent the License Tax was designed to answer this purpose can hardly be doubted. Possibly it was also intended that this tax should provide an insurance fund against famines. The object in view may have been very commendable, but the method adopted for carrying it into effect certainly deserves no commendation. A more mischievous measure, or one more calculated to bring the Government into disrepute with the mass of the population, could not have been devised. Those who know the impecunious condition of the general body of the people, how they live from hand to mouth, can imagine the hardships to which they were subjected at the hands of the smaller satellites of Government. The cases of gross oppresssion which were investigated and exposed in the Presidency towns served to throw considerable light on the condition of affairs in the Moffussil.

The amount realised by Government does not represent the entire sum extracted from the taxpayers. The collectors and assessors have always to be assisted by informers (as was publicly admitted in open court by one of the collecting officers), and these informers, who render their services gratis to the State, recoup themselves for their trouble from those who have to pay the tax. In a poor country like India, where the mass of the population is steeped in ignorance, where the English officials are inaccessible to the general run of the community, and where there is little public opinion, an indirect tax weighing lightly on the people, requiring no tax-gatherer and no informer for its practical working, is in every way preferable to direct taxation.

It would seem, however, that this principle has been entirely lost sight of in India in every measure adopted heretofore for the adjustment of the finances. It would seem also that the

men chiefly responsible for the introduction of the License Tax are yet unaware of the peculiarly obnoxious character this impost assumes when worked by the agency of informers and unpaid assessors. Some dim inkling of the hardships entailed on the people has led to the exemption of the poorest classes from the operation of the Act ; the relief afforded is, however, very partial. Now that the surplus is acknowledged to be a dream of the past, it is idle to expect, whilst the financial direction remains in the present hands, that the tax will be repealed. Not even at the time when the idea of a surplus was first started, and many Alnaschar-like plans built upon it, did the repeal of the License Tax, or its substitution by some indirect form of taxation, ever enter the heads of the financial authorities. The simplicity with which the idea was formed and put forward before the public in India, was matched by the avidity with which it was accepted in England. But in India it was never supposed for a moment that the optimistic views entertained by the Finance Minister had any foundation in fact. Those who knew how, before this, subsequent events had always falsified the Budget estimates of Sir John Strachey, raised their warning voices against implicity trusting to the figures given in the last Budget. It was pointed out that, in 1876-77, the actual expenditure exceeded the Budget estimate by 3,094,655 £ ; in 1877-78, by 5,180,400 £ ; in 1878-79, by over 1,000,00 £ ; and in 1879-80, by over 1,500,000 £. The Anglo-Indian press persistently called attention to the lavish expenditure going on in the military department. The *Bombay Review*, in a trenchant article of the 14th of February last, spoke out vigorously. A portion of the article is worth quoting:

> Therefore the first and pressing duty the Indian press has to fulfil, is to trace the items and sum up the totals of the huge expenditure rapidly accumulating month by month. The tale thereof is being studiously and skilfully concealed ; but, though the task is thus rendered difficult, our daily contemporaries with space and resources at their command ought to be equal to the occasion. Unfortunately they will, for the present, be a day after the fair, as the financial statement, cunningly concocted on the disingenuous principle we have described, must now be nearly ready for launch-

ing. All the more need is there for those who have any sincere care for the permanent welfare of India, and who cherish some sense of political equity, to be up and doing. We are glad to see that an attempt in the direction we have indicated is being made by one of our Calcutta contemporaries (*Indian Daily News*), though in a somewhat mild and apologetic fashion. We wish our space permitted us to extract the articles on the subject from that paper of the 6th and 7th ; but we give the reference, so that other writers may, perchance, be induced to push the argument a stage further. Our contemporary makes a very good point in demanding that strict current account shall be taken of all extra expenditure caused by the Afghan War. Though this order would chiefly affect the military department—to which the *News* appears to confine its attention—it should be extended in every direction where the present strain is felt. Not only the transport and 'followers' services are squandering money 'like fun,' but the public works, the railways, and the marine, besides several branches of ordinary civil service, are contributing to the haemorrhage now going on so freely. The columns of our contemporaries in northern India are full of indications of lavish outlay, within our borders, on transport service on railways, on supplies and munitions of war ; while the devil's cauldron, over the border, is being stirred merrily to the emphatic refrain of d—the expense, subsidies squandered on tribes who are barely kept at bay, and ready rupees being flung broadcast for supplies in the Passes and at Kabul. Our Calcutta contemporary is quite right in demanding that account shall be taken *now* of these headlong disbursements ; and very properly adds—'delay (in rendering these current accounts) should involve the removal of the (head) officer responsible in each case.'

Whilst almost every public journal in India was calling the attention of Government to 'the cataract of unavowed expenditure,' it is absurd to suppose that the responsible parties were not aware of the fact until now. Of course, no one is prepared to say that the surplus was put forward designedly.

The wonder is, that it was persistently believed in, despite the plainest evidence to the contrary. And even now it would appear, from the telegraphic summary of the Government of India's despatch contained in the papers of the 6th of May, that in certain quarters there is a desire to slur over hard facts. 'But for the war,' it is said, 'there would have been a surplus of four millions both in the past and present years.' 'But for the war!' Within the last four years, the public debt has grown by twenty millions; within the last ten years, the gross expenditure has increased by fifteen or sixteen millions; whilst within the last six years, the army expenditure has admittedly increased by three millions. Making every allowance for augmented railway returns and larger opium receipts, is there any valid ground for supposing that the additional revenue, derivable from these and other accidental sources, would enable the two ends to meet? The revenue derived from opium is of the precarious character, and the abnormal gains of this year may not improbably lead next year to a large fluctuation contrariwise. Persia has commenced to compete vigorously with India in the opium market; and once the practical monopoly which now exists ceases, all reliance on the opium yield may safely be abandoned in financial calculations. Again, it is uncertain how far the proceeds of the reserved stocks of opium of former years have entered into the Budget estimate for the present year. The stoppage of public works cannot possibly be permanent. To say, therefore, that but for the war there would have been a surplus of four millions, is a stretch of the imagination. Not only, at the present moment, is there no surplus, but there is a deficit of about four millions. Some people are inclined to believe that even this is under-estimated. How is this deficit to be met? Should the difficulty be tided over by a loan, it is to be feared the Finance Minister of the future will find no little trouble in paying the interest out of the general revenue. Let us hope that England will partially lighten the burden by undertaking the payment of a portion of the cost of the Afghan War. This even would afford only a partial and temporary relief. The finances of India, in order to be placed on a satisfactory basis, will have to be handled delicately, yet vigorously. The partial abandonment of the duty on cotton goods is already produc-

ing the effects all along anticipated. Goods which come within the exempted category are alone manufactured and sent out to India. No duty, of course, is leviable thereupon. The entire import duty on cotton goods may be considered as virtually abandoned. With the virtual abandonment of the import duties, the export duty on rice will have to go, as seems to be anticipated by Sir J. Strachey himself. What this means may safely be commended to the attention of earnest people in England. Already the export of rice has reached an unprecedented extent in India, and exercises no little influence on the fluctuations in the price of the staple food of the country. Speculators and traders will gain chiefly by the abolition of the export duty on rice, as they have done by the reduction of the salt duty in certain parts of India. The loss to the public revenue will accentuate the misery of the people. In view of these facts it is puerile to talk about the war being the only disturbing element in financial calculations.

A sifting inquiry, such as has been suggested by Fawcett, into the financial condition of India, will probably show that the only branch of the public revenue which possesses any real elasticity and where an enhancement might safely be effected without creating great popular discontent, consists in the income derived from the Customs and Excise Departments. The incidence of the License or the Income Tax can never be fairly apportioned or equalised, nor can their collection be altogether free from those evils to which attention has already been directed.

All direct forms of taxation are, therefore, strongly to be deprecated. There remains, then, the question of indirect taxation, which must be fairly discussed in order to determine what margin was still left for the Indian Government in that direction. The reimposition of the cotton duties also deserves serious consideration. This task, however, must be approached without the fear of hurting the susceptibilities of English constituencies and British manufacturers. The idea prevalent in England that the import duties on cotton goods are not only repugnant to the theory of free trade, but have the effect of pressing heavily on the poorer classes, is absolutely erroneous. It would appear that this is the only form of tax that touches them most lightly. The cotton duty, like the duty on sugar,

reached the well-to-do classes, who alone consumed the comparatively high-priced foreign fabrics. The wisdom of abandoning taxes upon luxuries, which are habitually consumed by the richer portion of the population, upon purely theoretical grounds, is, to say the least, very doubtful.

The consumption of 'excisable' articles, which is a legal euphemism for intoxicating liquors and drugs, seems to progress in the same ratio as the advancement of British civilisation. The rich of course indulge in imported liquors, whilst the poor betake themselves to country-made *doashtas*, and other intoxicating drinks distilled from rice, etc. It would seem that here at least there is ample field for the exercise of financial ability. A very excellent Act was passed by the Bengal Legislature about a year ago, which has for one of its objects the increase of the number of articles upon which an excise duty may be levied.[1] Its operation might usefully be extended to the whole of India.

The duty on salt is another of those questions which, sooner or later, must engage the attention of the Government. This duty has been partially reduced in some quarters, and partially enhanced in others. Considering that in the latter case, notably in Madras and Bombay, the people are on the whole poorer than in Bengal, one is inclined to doubt the financial success of the measure. Then again, the partial reduction of the duty in the more favoured parts, whilst it has entailed some loss to the revenue, has made no appreciable difference in the price of salt. Viewed by the light of practical experience, it may be questioned whether the thorough equalisation of the duty on salt is feasible.

That India is on the verge of bankruptcy is a statement which has often been put forward, but scarcely ever seriously controverted. Whatever truth there may be in it, one fact can hardly be disputed, that the mass of the population is worse off now than at any time before under British rule. Everywhere the necessaries of life have become dear. Undoubtedly, in many cases the standard of living has improved, but the consequence is that living costs more than twenty years ago. The value of money has diminished. Trade does not bring in much profit. The supply of candidates for Govern-

[1]The Bengal Excise Act.

ment employment is greater than the demand. The cultivators of the soil are impoverished, and the general body of the landowning classes is not better off. The wages of labour have increased, but the benefit which might be expected from increase of wages in the improvement of the condition of the labouring classes is to be seen nowhere. There are a few, very few, rich people scattered over the country; but, as a whole, a dead weight seems to hang on the Indian community. The real causes of this serious outlook are not far to seek, and may be stated in a few words. They are the natural results, partly of the financial difficulties of the Government which necessitate the imposition of onerous and unpopular taxes, and partly of those circumstances which lead to a heavy and incessant drain of large sums of money year after year in the shape of savings, pensions, home-charges, &c. Those who know the nature of the investments made by English gentlemen in India, understand perfectly that a very small fraction of the sums so withdrawn finds its way back for '*opening*' up the resources of the country.' A taste has grown up on all sides for foreign articles and imported goods, all of which have to be paid for in hard cash. It is not my wish to decry the taste which has grown up among Indians for foreign things. I look upon it as a sign of progress. Nor do I find fault with Englishmen, who have rendered their services faithfully and loyally to the country, for enjoying their rewards in their own fatherland. The fact, however, remains that whereas, under the native rule, the wealth of the country continued there, by the necessity of the British rule an enormous portion of its resources is withdrawn, and, to a great extent, lost. Various plans have been, from time to time, suggested to combat this evil, and to prevent, at least partially, the continuous outflow of the resources of India. One notable suggestion was that the administration should, as far as practicable, be entrusted to and conducted through the instrumentality of the natives of the country, saving thereby the necessity of importing costly foreign labour. In 1870 this plan received the sanction of the Imperial Parliament,' and an act was passed embodying the principle in a formal statute. It remained, however, a dead letter until a year or two ago, when, under the pressure of British public opinion, the Government of India framed a set of rules, which the

Indian people have with one voice declared to be a fiasco. If the educated public opinion of a nation possesses any value in the eyes of statesmen, these rules stand condemned as absurd and impracticable.

The Act of 1870 was passed with the object of placing the Indian subjects of Her Majesty on a footing of equality with the British European subjects. It authorised the Indian Government to appoint natives of India of proved merit and ability to offices of trust and emolument, without regard to the fact whether they belonged to the Civil Service or not. There was no question of a difference of pay between European and native officials involved in the object of the Act. It is undoubtedly true that the primary principle in view was to save India from bankruptcy and collapse by utilising indigenous labour, and stopping the needless influx of the foreign element. Had the Act received the hearty concurrence of the Indian Government, two practical gains would have resulted therefrom. In the first place much of the wealth which is at the present moment necessarily withdrawn, would have remained in its legitimate sphere, and gone towards the improvement of the masses. In the second place, the waste of public money caused by the retention of offices not absolutely needed would have come to an end. The rules, however, not only stultify the object of the Act, but negative completely the theory upon which the Government has ostensibly proceeded. The invidious distinction in the matter of pay between Europeans and Indians, besides other disqualifications, would prevent qualified natives of India, whose services might be really worth securing, from entering the service; whilst a few unimportant nominations here and there can have no appreciable effect on the expenditure of the country. If there is any real intention on the part of the authorities in India to utilise the acknowledged capacity of the educated Indians in the judicial and administrative departments, the principle should be carried into effect with the sole object of benefiting the country, independently of every consideration for class interests. If economy is in view, the pay of all the high officers of Government should be cut down, irrespective of every question of nationality. In every country in the world the emolument of an office serves as the standard of its importance in the eyes of the populace. And

this is particularly the case in India. If the pay of all the high officers of Government were reduced without distinction of race, colour, or creed, there would be no fear of invidious comparisons being drawn between a European and an Indian employee. It might possibly be said that Indians living in their own country do not require such large salaries as Englishmen going out to a foreign land. There appear to me to be two fallacies involved in this assumption. Is it necessary to import foreign labour to India at a greater cost to do the same work which an Indian would do equally well? If the latter cannot perform it as well as a European, *cadit quaestio*; an Indian should not be placed in any position on any pay whatsoever. On the other hand, if both are equally efficient, one can hardly understand the reason of importing foreign labour at greater expense. The foreigner who makes his choice must fain accept the wages of indigenous labour. This is surely a principle of political economy which governs the employment of all labour, wherever there is no monopoly; nor is there any reason why India, because she has no voice in the government of the country, should alone be deprived of the benefits of this equitable rule. Another question is, Do Englishmen really require larger salaries than Indians? No one would suppose it is intended to confer such offices as are contemplated under the Act on men of the old, old type, now happily extinct, who administered justice in the villages of Bengal or Maharashtra dressed in a single loin-cloth. It may be assumed that offices of trust and responsibility, which require not only capacity and cultivation, but also probity and independence, would be conferred on men who form the link between Western and Eastern civilisation. The merits of these men have frequently been questioned by a new class of Anglo-Indians, but the motive is too transparent to deceive anybody. As a matter of fact, the men of culture who are growing up in India under Western influences should be considered by a wise Government as forming the nucleus of a healthy progressive organisation for the country. The style of living among these men is little inferior to that of Europeans. They all look forward to bestowing on their children the boons of a good *English university* education. Their ambitions, hopes, and aspirations are little behind those of cultivated Englishmen. The claims on their

charity, on the otherhand, are as extensive as their dependents are numerous. Can it be contended that the expenses of these men are less than those of Englishmen? Young Englishmen, going out to India, have, in the majority of cases, only themselves to support. They live in 'chummeries,' and their expenses are moderate. It is self-evident that the theory which has been put forward to justify the distinction in the pay of Indian and European officials under the new rules, is fallacious. One may well feel surprised at the absurdity of the idea that there could be any gain to the State by the introduction of a few extra men into the service on reduced salaries whilst the main body continues on the old lines.

Turning now to the question of comparative efficiency, as the primary element in the consideration of economy, there can be no doubt that, taken as a body, the native public servants are as efficient as any ordinary European official. In personal integrity, in the simple-minded discharge of public duties, and the grasp of administrative details, they are not inferior in the smallest degree to any foreigner. If there is any tendency in some of them towards sycophantism, they cannot be said to stand alone in this respect; and the system under which they exist is directly responsible for the growth of this reprehensible habit among them as well as among foreigners. Personal integrity does not consist in incorruptibility alone; it implies that incorruptibility should be joined to freedom from all kinds of prejudices and predilections which warp the judgment. As a rule, whether from force of circumstances or otherwise, Indian officials are singularly free from prejudices. Besides, a European, however well-intentioned, labours always under certain disadvantages in the satisfactory discharge of his duties. His ignorance of the habits, customs, and usages of the people over whom he happens to be placed, and his imperfect knowledge of the vernacular languages, seriously interfere with his efficiency. Frequent miscarriages of justice are occasioned simply by want of knowledge on the part of the officers of the language of the people, and their modes of life and thought.

The judicial capacity of the Indians is universally admitted. The deputy-magistrates and other subordinate executive officers, who practically carry on the work of administration all over the country, attest the administrative talent of the native

officials. With these facts staring one in the face, it is the height of unreasonablenss to insist upon the continuance of imported labour. If the obnoxious rules are abrogated, as it is to be hoped they soon will be, care should be taken to avoid all invidious distinctions between native and foreign employees. In making nominations regard should be had to the status of the individual nominee at the time. For example, if an officer happened to be drawing Rs. 700 per month when so nominated, he should be considered eligible for an equivalent office in the Civil Service, say a joint magistracy. Were some such line of action as is here indicated to be adopted, there can be no question of an interference with vested interests, assuming that 'vested interests' have any right to be thought of in a matter of absolute justice.

As regards the question whether the number of British officials in the country is not more than is actually needed, it may be mentioned that the point has been repeatedly discussed by some of the leading organs of Indian public opinion, both Hindu and Muslim. In some districts not far from one of the Presidency towns, if my information is not incorrect, there appears to be frequently such a plethora of official talent that the divisional head has a little difficulty in proving work for all his subordinates. Of course, this applies to Sader stations and places where there are native deputies to lighten the work of 'joints' and assistants. And yet young civilians are annually, 'indented' to do the work which can be more effectually and inexpensively done by a less numerous body of officials. It is not for a moment implied that the Indian Government has wilfully called for more men than were required; what Indian complains of is that no care has hitherto been taken to ascertain the precise requirements of the country. Of course, it is impossible now to reduce the existing number, but in future some limit ought to be imposed on the system of indiscriminate drafting.

Another question which is not out of place here is, whether so many police superintendents and assistant superintendents are really needed in places where assistant civilian magistrates are available to do the work? Nobody would advocate for a second the union of the judicial and executive functions; nor would it be right to revert to the old system, under which

the police were subject to the control of the head of the district, who was partly a police and partly a judicial officer. The two functions should always be kept apart, as is the case in the Presidency towns. The principle which has been so long followed in the towns can easily be introduced in the Moffussil without entailing any extra charge on the State, and would be the means of preventing the recurrence of those cases of police oppression which so often bring into discredit the administration of justice. But the adoption of the principle referred to ought not to interfere with the curtailment of some unnecessary offices in the Police Department. It is possible that in some large districts separate police superintendents are necessary, but there are others in which certainly they can be dispensed with, without detriment to the efficiency of the administration.

There are various other branches of the public service where retrenchment might safely be effected. The Bengal Government has recently succeeded, not without some opposition, in bringing about a considerable reduction of expenditure in one department at least. As it is desirable to avoid, as much as possible, barren controversies, it is needless to specify more particularly the directions in which such retrenchment can be achieved. A strong, conscientious chief, like the present Lieutenant-Governor of Bengal, would easily put a stop to the undoubted waste which goes on in certain branches of the public service. The vigour with which he has exposed the absurdity, not to call it by any other name, of maintaining a Bureau of Agriculture in the North-West Provinces, points him out as the fittest man to grapple effectually with the difficult questions that have to be faced shortly in India—a man who would not shrink from applying the pruning knife where it is chiefly needed—at the top.

The legislation of the country requires serious attention. It was unfortunate that no Indian was included in the late Law Commission. A judge of the stamp of Justice Romesh Chander Mitter, whose experience and knowledge are acknowledged and appreciated on all sides, would have rendered invaluable services to the Commission, since the task they were engaged in had reference entirely to the wants and requirements of India. It is a matter of regret also that the legis-

lative council of India should contain so little Indian element in it really valuable. The Maharajahs, Rajahs, and Nawabs who have hitherto adorned the viceregal council, may be very estimable men in themselves; but, with the exception of one or two, none of them know the English language, in which the debates are conducted, sufficiently well to understand the drift of the arguments. It is difficult to see what services such men could possibly render to the senate in its task of law-making. Whilst the provincial councils include some of the most talented Indians, the Supreme Council is guided its selection of members much more by their rank and wealth than by their fitness. This is not meant as a reflection on the individual members who have had the honour of sitting in the Legislative Council of India, and who have, according to their lights, tried to be of some assistance in its deliberations. If they have failed, it is owing to no fault of theirs. The blame lies at the door of others, As long as the principle of nomination exists, and as long as the people have no voice in the selection of the men who are supposed to represent their views in the councils of the Empire, it is desirable that the number of Indian members should not be less than four, and that their presence at the Board should be judged by the standard of their usefulness and ability, and not by the titles attached to their names. In the Bengal Legislative Council five out of twelve members were, at one time, natives of India. The principle which answers so well in the Lieutenant-Governor's Council should answer equally so in the Viceroy's Council. The services of the members of the Bengal Council are purely honorary—the 'additional' members of the Indian Council are allowed a sum of Rs. 10,000 per annum, to cover the costs of their journeys to and from Simla. Possibly some change will soon be made in the systematic migration of the Government from Calcutta for eight months in the year. The judges of the High Court, magistrates, barristers, solicitors, Small Cause Court judges, and non-official Europeans generally, who spend the major portion of their time in the plains, do not, as a rule, feel the worse for it. Would not three or four months' trip to the hills be sufficient to recuperate the flagged energies of the chief officers of Government without entailing

[1] About £1,000.

on the country the expense of providing for the transfer of entire establishments to Simla for eight or nine months in the year? The question of the cost, not to speak of other undesirabilities, connected with the annual exodus has been thoroughly discussed. It is to be hoped that a Liberal Government will signalise its return to power by putting some kind of check on the country on account of these trips to the famous hill-station. It is said that the Indian Government has lately tried to deal with the question by ordering all the clerks and subordinate officers to be permanently located there! The result of this order will ultimately be, that extra clerks will have to be maintained in Calcutta at an additional expense.

In no country in the world, perhaps, is justice taxed so heavily as in India. With the exception of the Presidency towns, and except as regards suits instituted in the Presidency High Courts, suitors are subjected to the payment of a heavy *ad valorem* stamp duty on plaints, grounds of appeal, etc. Those people who have at one time or another been connected with the administration of justice in India, will bear testimony to the fact that the Stamp Act in numerous cases prevents the poorer classes from seeking redress in Court of Justice, whereas it serves as a great engine of oppression in the hands of the rich. Judicial officers have repeatedly protested against the working of this peculiarly obnoxious Act, and the people have been crying out against it, but no heed has been paid to their complaints. If the stamp duties are intended as a prohibitory tax on justice, it unquestionably answers its purpose. But it is doubtful if it adds much to the popularity of the British Government.

The relation of the *Ryots* to the *Zamindars*, and the *Ryots* and *Zamindars* to the Government, forms one of the burning questions of the day, and has to be grappled with in earnest, and that speedily. Unquestionably the condition of the landowning and cultivating classes all over the country and their feelings towards the British rule, are of far greater importance than the financial difficulties of the administration. The Rumpa and the Deccan mutiny and the famous Pabna and Faridpur riots owed their origin primarily to agrarian causes. Owing to a variety of circumstances, people connected with land have latterly incurred heavy losses in one shape or another. No

doubt their own improvidence is mainly responsible for these unhappy results. At the same time, it may be asserted, without much fear of contradiction, that the general indebtedness of the landowning classes and the peasantry of India is the indirect consequence of two causes, for which the administration must be held answerable. The introduction of the principle of freedom of contracts, recognised by English Courts, among an unadvanced community like the masses of India, has had the effect of throwing them completely into the hands of usurers and money-lenders.[1]

The rigorous exaction of the Government dues in literal accordance with the requirements of the law, has often driven landowners to obtain loans on the most extortionate terms, which have led eventually to the sale of their properties. Since the abolition of the law against usury, there is no check on the rapacity of money-lenders. Again, the manner in which landed properties are set up to auction in the Mofussil in execution of decrees, without reserved bids, has the effect of knocking down estates of immense value for a mere trifle. The Deccan Ryots' Relief Act, and the measure lately introduced in the Supreme Council for the protection of the proprietors of the Jhansi district, serve to show that the Government is beginning to recognise the emergent character of the difficulties under which the landed interest in India is labouring. The relief, however, in order to be effectual, must not be partial in its nature. Some plan ought to be devised by which the benefits intended for the Jhansi proprietors may be extended to other parts of India. The system of reserved bids might also be introduced in the Mofussil to protect landowners in the sale of their properties in execution of judgment-debts and decrees. The National Muhammadan Association, at Calcutta, submitted a memorial to the Government of India on this subject, but no attention seems to have been paid to its recommendation.

The extreme rigidity of the land revenue system of India deserves the most serious consideration of every Government conscientiously bent upon removing all causes of discontent among a people who have never shown any lack of forbearance or patient endurance. The rigour with which the land tax is

[1] The writer of these lines knows of a case, from his own forensic experience, in which a debt of Rs. 4,000 (£400) had swelled in ten years to Rs. 30,000 (£3,000).

exacted all over India, regardless of all questions of droughts or floods (*khuski or gharki*), bad or good harvests, has conduced to no small extent to the present impoverishment of the country. In those parts where the Permanent Settlement is in force, the rule of law is that in case of a default committed by a *zamindar* in the payment of the *Jamma* or tax by the sunset of a day fixed, his estate is liable to be sold by public auction. The strict enforcement of this peculiarly harsh rule has acquired for it the popular designation of 'the Sunset Law.' Any one who has ever had to deal with its practical working must be aware of the numberless cases of ruin and beggary which have been occasioned hereby, and the infinite amount of trouble it causes to many.[1] In relaxing its rigour the Government will not only save itself from much odium, but strengthen its hold on the affections of the people. For can it be wondered at that the scions of those houses which have suffered most should look upon the British rule as responsible for their present misery? When it is borne in mind that absenteeism is the general rule in India, that estates are left in the management of the *Diwans* and *Mutasaddis*, who alone are charged with the duty of paying punctually the Government dues; and when it is considered how open these men are to all sorts of underhand influences, either to achieve the ruin of their masters, or their own aggrandisement, it may be thought expedient, if not just, to relax to some extent the hard and fast rule which now prevails. Fraud and collusion often lead to the sale of vast estates before the proprietors themselves have the smallest inkling of the fact. The only resource then left to the victims is to move the District Courts to set aside the sales, but as *substantial irregularities* have to be proved, the chances of a reversal are few indeed.[2] A simple direction from the Board

[1] Of the hardships to which people are exposed in Bihar and many parts of Bengal, the writer ventures to speak from some personal knowledge. With reference to the other parts, he is, of course, obliged to speak from 'secondary evidence.'

[2] The preverseness of English Mofussil judges frequently causes great hardships. People go to court in quest of justice. They are turned back with what untrained administrators call Law. In one case, which occurred only a short time ago in the District of Shahabad, a large family of Rajputs were sold out of their hearth and home under peculiarly severe circumstances. They had mortgaged their homestead lands to a money-lender, who

(Contd.)

of Revenue to the revenue collectors against the strict enforcement of this law, even if it should be considered advisable to retain it on the Statute Book, may in some degree benefit the people. The collectors should, in cases of default, be required to give notice to the proprietors; and grace of a fortnight or a month should be allowed. A few simple rules to this effect would amply answer the requirements of the case.

A change in the land-laws of the country seems to be engaging the attention of the Indian Government at the present moment. It is to be hoped that the Permanent Settlement will be made applicable to all India.[1] The system of periodical settlement, whatever its advantage from a fiscal point of view, keeps the mind of the people in a state of perpetual ferment. The proprietors never feel secure in the enjoyment of their estates, and their tenants continue in as great a state of unrest as they. The Permanent Settlement, inspite of all that has been said against it, has proved on the whole beneficial to Bengal. In those parts where periodical settlements have been introduced, the condition of the people compares unfavourably with that of Bengal. The extension of the Permanent Settlement over the whole of India would save the people from the continual molestation to which they are now exposed, and probably would prove the greatest boon which could be conferred on a nation. On the other hand, the time seems to have arrived when the Indian Government should make up its mind, inspite of the opposition evinced in certain quarters, to confer transferable rights on the *Ryots*, *bona-fide kashtkars*, holding occupancy tenures. Care should, however, be taken to prevent

took out execution on a decree which he obtained against them and which declared that the mortgaged properties were primarily liable for the judgment-debt. At the time of execution, the judgment debtors had in deposit in the Subordinate Judge's Court a large sum of money, and they applied to the District Judge that the decretal amount might be paid out of that sum. They also begged for time to arrange matters with the creditor, who, on his side, was not unwilling to come to terms. But the District Judge was inexorable, his view of the law being that the debt was to be satisfied by the sale of the mortgaged properties in accordance with the terms of the decree. And so the properties were put up to sale, and knocked down for a quarter of their value.

[1] Should the value of land increase in any part independently of any agency employed by the landlords or tenants, Government can easily share in the accruing advantage by a well-devised system of local taxation.

the peasantry from being bought out or swamped by speculative *Wakils* or greedy *Baniyas*. Prior to the Act X of 1859, justly regarded as the Magna Carta of the *Ryots*, they were more or less at the mercy of the landlords. It is possibly true that the Act of 1859, to some extent affected the *Zamindars* injuriously; and it may be unreservedly admitted that the *Ryots* as a rule are not so 'child-like' as they are occasionally represented to be. Child-like *Ryots* are as difficult to find in India as elsewhere. Considering, however, the enormous advantages possessed by the landlords for the enforcement of their rights, it would hardly be fair to go back, as the desire seems to be, to the old state of things. The landowning interest is strongly represented in the Councils. The *Zamindars* have easy access to the governing classes; their views are everywhere listened to with consideration. The voice of the *Ryot* remains unheard and unheeded until he calls attention to his existence by some revolting deed of agrarian violence. It is simply absurd to talk of the mischiefs likely to ensue to the *Ryot* were he to obtain transferable rights. Human nature and self-interest would in the end assert themselves, and insure his safety from the evils predicted. Whilst affording every facility to the landowners to realise their rents, and insuring them, in every possible way, the enjoyment of their rights, Government should not overlook the interest of the *Ryots*. Subinfeudation, with the concomitant evil of rack-renting, should be strictly put a stop to. Absenteeism should be discouraged, and the *Zamindars* should be required to develope greater interest in agricultural pursuits and agricultural improvements. At the same time, a genuine desire should be promoted amongst the *Ryots* for improving their material condition; and this can be attained only by giving them such an interest in the soil as would be heritable as well as transferable. Some scheme should also, if possible, be devised for rendering assistance by Government loans, or the establishment of agricultural banks, to landowners and *Ryots* really anxious to improve their lands.

The Vernacular Press Act and the Arms Act – the need of both of which still remains unintelligible to common apprehension—it is to be hoped will soon be repealed. The arguments against the Vernacular Press Act are familiar to the British public. But the Arms Act requires a brief mention. This

measure applies exclusively to the native population. Europeans and Eurasians, are exempted from the operation of the Act. In fact it proceeds upon the general assumption of the disloyalty of the natives of India. A few men here and there are specially exempted from this category, but the spirit of the Act implies a national censure. Whatever may have been the necessity for a measure to prevent arms of precision reaching the frontier tribes, a law which assumes the disloyalty of the nation as a body can hardly fail to create surprise and discontent.

These suggestions are offered in the hope that, at a time when the affairs of India are engaging public attention in England more than at any other period in its history, they might prove of some interest to those statesmen to whom has been entrusted the duty of settling the lines upon which India shall, in future, be governed. The writer has tried in these pages to represent the views of the Indian nation without regard to the interest of any class or creed. He has purposely abstained from touching on those questions which are likely to give rise to controversies leading to no practical result, dealing only with matters on which there is a consensus of opinion among the people of India. Should these remarks prove to be of any use in evoking the sympathy of the British public in behalf of that country, the object of this paper will have been amply achieved.

THE NINETEENTH CENTURY,
June, 1880, Vol. VII, pp. 963-978.

A CRY FROM THE INDIAN MUSLIMS

The over-sensitiveness of the Indian Government and its subordinate officers to outside criticism has the tendency to discourage, among the intellectual and educated classes of India, the frank expression of political feelings, even when their publication is likely to prove of value to the Government itself. An honest criticism is often construed into a hostile attack ; and outspoken comments on the policy of Government, however, legitimate in their character, are not unfrequently supposed to imply disloyalty. In Bengal, however, the Hindu community is enabled, by the wealth and education of its representative members, to ignore to some extent this liability to disfavour, and to express its views on important questions affecting its own interest with sufficient candour and emphasis to reach the ears of the governing classes. The Muslims possess neither the wealth nor the education of the Hindus ; and, in consequence, have generally failed to attract the attention of the authorities to their grievances.

I propose in this paper to point out what are the requirements and the legitimate expectations of the Muslims of India, and to suggest in what way the benevolent intentions of Her Majesty's Government, for the amelioration of this large class of her subjects, may be best carried out. Unless effective measures of reform are adopted, and that without delay, the unsatisfactory condition of the Muslims threatens to become a source of anxiety and danger to British administration in India.

Within the last twenty-five years great changes have taken place in India, and during this time every community under British rule has prospered, except the Muslim, which stands alone as the marked and disappointing exception. It is no exaggeration to say that English officials generally are at this day as far from understanding the real feelings of the Indian

Muslims as they were half a century ago. Want of sufficient interest on one side, and absence of qualified exponents on the other, explain the imperfect knowledge possessed by the official world of India with regard to the Muslims. There is an increasing desire, however, to deal equitably and generously with them, and it therefore becomes important that the statesmen who at the present moment rule the destinies of India should be enabled to judge of the requirements of the Muslims in connection with their alleged grievances. That a homogeneous people like the Muslims of India, numbering fifty millions and having a common language and religion, should be discontented with the position they now occupy, is a matter for the serious consideration of the administrators of Indian policy.

At the time when the British first established themselves as the governing power in Bengal, the Muslims were, notwithstanding many disastrous changes, yet indubitably the paramount race in India. Inspite of the effeminacy which had to some degree sapped their former vigour, their traditions still continued to inspire them with energy, and to infuse such strength and vitality into their forms of government as enabled them to maintain their political supremacy undisputed in many parts of the crumbling Empire of the Mughuls. In 1757, the battle of Plassey was fought, which virtually placed the eastern portion of the Mughul dominions in the hands of the British. On the 12th of August, 1765, the formal grant of the *Diwani*, or the collection of Government revenue, was made by Shah Alam to the East India Company. No material change was effected in the political condition of the Muslims or their system of government by this transfer of sovereignty. They continued to occupy the same position of influence and trust under the British as under the Muslim emperors. The official language continued to be Persian. The Nizamat or administration of criminal justice was entrusted to the Nawab Nazim, whereas the East India Company, by virtue of the office of *Diwan*, assumed the charge not only of collecting the revenues, but also of administering civil justice. For some time subsequent to this assumption of power, the British Government advisedly left the entire administration, both for fiscal and judicial purposes, in the hands of native officers,

the majority of whom were Muslims.

The changes introduced, however, in 1793, in the civil administration of the country had an important bearing on the fortunes of the Muslims. Most of these changes affected the Muslims indirectly only, but their general tendency was to deprive them of their influence and status. Up to this period the higher offices, fiscal as well as judicial, were filled by Muslims. A great proportion of the executive administration was also in their hands. In 1793, Lord Cornwallis introduced the system which forms the basis of the law throughout India at the present time. He separated the collection of the revenue from the administration of justice, and vested the functions in different officers. The higher executive appointments were reserved exclusively for Europeans; only the subordinate officers of police being natives. The courts of civil judicature formed a regular gradation, the lowest in the series being the courts of the native commissioners, with power to hear and decide cases where the subject matter of the suit did not exceed fifty rupees in value. The native commissioners were of three denominations: namely, *Amins* or referees, *Salisan* or arbitrators, and *Munsifs* or native justices. The second description of courts were those of the registrars, who were convenanted servants attached to the *zila* and city courts, empowered to try and decide cases for an amount not exceeding two hundred rupees. Next in order were the *zila* and city courts, twenty-six in number, which were each presided over by a single judge, being a convenanted servant, assisted by Hindu and Muslim law officers and a registrar, having cognisance of all civil suits in the first instance; their decisions, however, were not final, and were appealable in all cases to the provincial courts. The provincial courts of appeal, which were four in number, were the fourth in the ascending scale, and were each presided over by three European judges. These were established: one in the vicinity of Calcutta, one at the city of Patna, one at Dacca, and the fourth in Murshidabad; they were provided respectively with a registrar, a Qazi, a Mufti, and a Pandit, and with a competent number of native ministerial officers. The Sadar Diwani Adalat was established at the Presidency, and consisted of the Governor-General and members of the Supreme Council. Criminal justice was

administered by the zila and city judges, who were constituted magistrates.

In 1814, the office of Sadar Amin was created, which afforded further scope for the employment of the natives of India in the judicial service, and this was extended in 1832, when the office of principal Sadar Amin was established. Throughout this period, as will be observed, the Muslims enjoyed the largest share of Government patronage. The grant of the *Diwani* to the English by a Muslim emperor would seem to have sealed a compact that the English would, as far as possible, endeavour to carry on the government of the country in accordance with the Muslim system. As Dr. Hunter appropriately points out, there can be little doubt that both parties to the contract understood it to be so. For a series of years after the grant of the *Diwani*, up to the time of Lord Amherst, the British ostentatiously styled themselves the vassals of the Mughul emperors. For about half a century the Muslims were scrupulously maintained in their positions. Silently, secretly and insidiously, as the Muslims allege, the thunderbolt was forged which was to overwhelm with ruin their status and power and privileges. The withdrawal from the Muslim jagirdars of the power of collecting the Government revenue, and the substitution of the English collectors for the Muslim fiscal officers were the first great blows dealt at their political position. This was a usurpation of the most serious character. It was indirect conflict with the spirit of the treaty concluded between Shah Alam and Clive. The full effect of this measure, however, was not felt until after the introduction of the permanent settlement. It was then that the Muslims perceived how entirely their race had been deprived of the most cherished of their privileges. The policy of this great measure, which marks an epoch in the history of British rule in India, forms now the subject of much earnest debate between the present landholders and the supporters of Government. Its effect on the position of the Muslims of these provinces has attracted, however, little attention. No apology, therefore, is needed for quoting a passage on this subject from the eloquent pages of an author who may with justice be regarded as one of their sincerest well-wishers :

The greatest blow which we dealt to the old system was

in one sense an underhand one, for neither the English nor the Muslims foresaw its effects. This was the series of changes introduced by Lord Cornwallis and and John Shore, ending in the Permanent Settlement of 1793. By it we usurped the functions of those higher Muslims officers, who had formerly subsisted between the actual collector and the Government and whose dragoons were the recognised machinery for enforcing the land-tax. Instead of the Muslim revenue farmers with their troopers and spearmen, we placed an English collector in each district with an unarmed fiscal police attached like common bailiffs to his court. The Muslim nobility either lost their former connection with the land-tax, or became mere landholders with an inelastic title to a part of the profits of the soil.[1]

Another English officer, one of the ablest men in the Indian Civil Service, thus sums up the change effected by the Permanent Settlement in the condition of the Muslims. He says: 'It elevated the Hindu collectors, who, upto that time, had held but unimportant posts, to the position of landholders, gave them a proprietary right in the soil, and allowed them to accumulate wealth which would have gone to the Muslims under their own rule.'[2] It has been said that the corruptions and one-sidedness of the Muslim administration rendered it necessary for the British Government, in the interests of the subject people, to break through the fiscal monopoly of Muslims. But was it necessary, the Muslims are entitled to ask, to ruin them by taking away their lands and giving them to their Hindu bailiffs? Was it necessary to deprive them of influence and wealth and reduce them to their present impoverished and subordinate condition?

In other parts of India, in tracts more recently acquired, where the same causes have not been allowed to operate, the condition of the Muslims is probably not so bad. But in the provinces of the north-west, the decadence of many leading families is due to the great social upheaval which ensued after the mutiny. In the provinces of Bengal, and Orissa—obtained from a Muslim emperor on a solemn pledge that the Muslim

[1] Dr. Hunter [2] J. O' Kinealy

system of administration would, as then established, be continued—what crimes, the Muslims ask, have we committed to deserve the punishment which has been inflicted on us?

It was under Lord William Bentinck, however, that the Muslims suffered most severely from the inconsiderate policy of the British Government. In 1828 the British Government directed an examination into the title-deeds of the *Aimadars* and Lakhirajdars, 'Special courts were created, and during the next eighteen years the whole province was overrun with informers, false witnesses, and calm, stern resumption officers.' The scene of confusion and terror which ensued is well described in the graphic pages of Hunter and Buchanan, but the tale of woe can only be fully realised when heard either from the lips of those who suffered from the spoliation, or from their descendants. Maratha rapine, as well as 'the silent inroads of time and white ants,' has caused havoc among the title-deeds of successive generations. The prescriptive title, however, which had grown up by efflux of time, had been respected, not only by the Maratha marauders, but also by the British for seventy-five years. Property had been handed down from father to son without question or cavil. At the best the ruling power was entitled only to claim its revenue. But the British Government exerted the strong arm of its power, and ousted all who failed in establishing, to the technical conviction of a legal court, their full title under written grants from the Mughul emperors.

The great famine of 1770 had impoverished thousands of Muslim families in common with the Hindus. The Cornwallis Settlement had followed; it affected only the rent-paying Jagirdars; and now came the resumption proceedings. These proceedings, though intended to apply to both Hindus and Muslims, fell most heavily on the latter. The Hindus, when they possessed any revenue in free grants, for the most part had but recent titles, which, with the usual astuteness of their race, they took care to secure against all future attacks. The Muslims, on the other hand, in a sense of security, had allowed the muniments of their title-deeds to be lost or destroyed. Every Muslim family that failed to prove the *sanads* under which it held proprietary rights, as gifts from the Imperial Court of Delhi, was immediately ousted from possession.

Similarly, every Muslim endowment, where the grant was open to the smallest question, was declared invalid. Hundreds of princely families were thus completely beggared. In one district alone, out of a body of fifty-five Lakhirajdars, forty-nine were ousted from possession. The pleaders who conducted the proceedings, the witnesses who gave suborned testimony, the informers who carried tales to the resumption officers, were enriched, but the Muslims of these provinces, as a community, became completely ruined. The rigid and relentless character of the proceedings is well illustrated by the refusal of the Government to recognise as valid the grants of the Nawab Vizier in the 'Ceded Provinces.'[1]

At an outlay (says Dr. Hunter) of £800,000 upon resumption proceedings, an additional revenue of £300,000 a year was permanently gained by the State, representing a capital at 5 per cent, of six millions sterling. A large part of this sum was derived from lands held rent-free by Muslims or Muslim foundations. The panic and hatred which ensued have stamped themselves for ever on the rural records. Hundreds of ancient families were ruined, and the educational system of the Muslims which was almost entirely maintained by rent-free grants, received its deathblow. The scholastic classes of the Muslims emerged from the eighteen years of harrying, absolutely ruined. Any impartial student will arrive at the conviction that while the resumption laws only enforced rights which we had again and again most emphatically reserved, yet that the proceedings were harsh in the extreme, and opposed to the general sense of the Indian people. Prescription cannot create rights in the face of express enactments, but seventy-five years of unbroken possession give rise to strong claims on the tenderness of a Government. Our resumption officers knew no pity. They enforced the law. The panic of those days is still remembered, and it has left to us a bitter legacy of hatred. Since then the profession of a man of learning, a dignified and lucrative calling under native rulers, has ceased to exist in Bengal. The Muslim foundations suffered most, for with regard to their title-deeds, as with regard to all other matters, the former conquerors of India had displayed a haughty indifference unknown to the provident and astute Hindus. We demanded an amount of proof in support of rent-free tenures,

[1] Buchanan

which, in the then uncertain state of real property law, they could not have produced in support of their acknowledged private estates. During seventy-five years we had submitted under protest to a gigantic system of fraud, and the accumulated penalty fell upon a single generation. Meanwhile, the climate and the white ants had been making havoc of their *sanads* and title-deeds.

The waves of adversity which have one after another passed over the Muslims of India, have left the great majority of the leading families stranded, and a large proportion completely wrecked. Few Englishmen are aware of the material which has been thus destroyed. The destruction of the Muslim aristocracy has proved as injurious to the interests of the community as to those of the State. Whatever desire there may be on the part of the British to retrace the past, nothing can ever replace what has been lost. No number of *Khilats* or fair words will restore to active life the nobility of the *ancien regime*. Few can help mourning the fate of the families whom a policy of neglect and apathy has levelled with the dust. The remains of their palaces and mosques, the weed-grown tanks, the tumbling wells, the broken canals, the ruined *khankhas*[1] which lie scattered all over the land, tell the sad story of Muslim decay. Travel where you will, to the eastern districts of Bengal, to Bihar, or to the North-Western Provinces, the same lamentable signs of departed greatness strike the eye.

Another great change, which materially accelerated the ruin of the Muslims, was introduced simultaneously with the resumption proceedings.

The conquest of India by the Muslims had been achieved by men gathered from different races, speaking a variety of languages. The Mongolian Turk spoke Turki; the Afghan Pushto; the Persian his own tongue. But the language in which Hasan Mainmandi conducted the business of the widely extended empire of Mahmud the Ghaznevide, was considered sufficient for the government of India by its Muslim masters. The contact of the Muslim with the Hindus gave birth to the language which is with which the Hindus were well acquainted. As far back as 1500 B. C. Hindu writers had begun to compose works in that language. At the end of the sixteenth century,

[1] Places of refuge for poor wayfarers—rest-houses.

a knowledge of Persian had become so universal that 'the chancellor of the empire himself a Hindu, commanded that the Public account should thence forward be written in Persian.' But whilst Persian was the official language of the empire, Urdu formed the ordinary vehicle of intercommunication between the diverse races which were brought together by the Muslim conquest. Rich, plastic, and flowing, it is by far the most copious of the living languages of India. It found its origin in the camp, as its name signifies, and it attained its full development in the magnificent and polished court of Shahjahan. In Northern India, including the provinces of Bihar, the Muslims were, as a general rule, the descendants of old settlers from the countries westward of the Punjab, or of converts from the higher Hindu castes, like the Rajputs, who on their conversion were designated Pathans, and into whose fraternity they were admitted on account of kindred sympathies and character. The vernacular language of the Muslims in those parts is Urdu or Hindustani. From Punjab as far down as Bhagalpur, in the Lieutenant-Governorship of Bengal, Urdu, more or less pure, is not only the vernacular of the Muslims but also of the majority of the Hindus. After Bhagalpur commences the region of the Bengali dialect. If a straight line were drawn, dividing the district of Purneah into two, from north to south, and were then continued through the districts of Bhagalpur and Beerbhom, it would roughly mark off the two regions.

In recent times many Muslim families, from the north-west and Bihar proper, have settled in Bengal. These are called Hindustanis, and few of them ever understand Bengali. In most of the districts of Upper Bengal, such as Beerbhom, Midnapur, Dinajpur, Maldah, Purneah, and to some extent the English district of Twenty-four parganas, the Muslims speak Urdu, though not with the same purity as a native of Lucknow or Delhi, and know only enough of Bengali for the purposes of social intercourse with their Hindu neighbours.

Eastward, Urdu becomes merely the town language of the Muslims; Bengali being the vernacular of the rural Muslims, as it is, to some extent, of the population of Upper Bengal. And so it goes on diminishing in influence, until at last, in the deltaic districts, it loses all its vitality; the Muslims here

speaking a patois of the Bengali dialect.

From the first conquest of India by the Muslims, until the year 1837, Persian was the official language of India proper. In 1837, the fiat went forth that office-business should henceforward be conducted either in English or in the provincial dialects. The language of the people of each province, and the character in which it was originally designed to be written, were fixed upon as the most convenient and practicable substitute for the Persian. The policy which dictated this order was in fact a policy of disintegration. The plan succeeded in those provinces where the language was not Urdu or Hindustani. Hence the Tamil, the Telugu, the Marathi, the Gujarati, and the Bengali languages superseded without much difficulty the Persian language and character in Madras, Bombay, Gujarat, and Bengal. In Bihar, the North-Western Provinces, and the Punjab, where the language of the people had for several centuries been Urdu, and had been written in the Persian character, the attempt, whilst causing great discontent both among the Hindus and the Muslims, ended in absolute failure. The British Government wished to introduce the Hindi-Kaithi, written in the stiff archaic Nagri character, as the official language of these parts. But the change proposed was founded upon a misapprehension, and the attempt subsequently failed signally. The Urdu, written in the Persian character, was substituted for Persian in Bihar, the North-Western Provinces, and the Punjab. The substitution of the vernacular dialects and the vernacular character for Persian in the other provinces resulted in throwing out of employment a considerable body of Muslim subordinate officers, who were totally dependant for their subsistence upon the pay of Government. Had the change been foreshadowed for some years previous to its actual introduction, and had time been given to them to acquire a knowledge of the provincial dialects, they would certainly have been able to retain their position against any fair competition. Like the English, the ruling class of Muslims treated the languages of the subject races with contempt. They were as ignorant of Bengali, Uriya, Marathi, Telugu, Tamil, as any ordinary Englishman is at the present day. Without the least warning, the storm of sentimental changes burst over their devoted heads and ruined them.

But, like the 'still-vext Bermoothes,' the mind of Government knew no rest. Sir George Campbell, bent on reforms refused to admit the failure of 1837. Accordingly, in 1872, in a memorable resolution which took the Muslim community completely by surprise, he issued the following executive mandate:

> That for the future, Hindi in the Nagri character should take the place of Urdu, in the Patna and Bhagalpur divisions, with the exception that (1) where anything had to be written in such documents as processes, notifications, proclamations, bonds, and attestations, it might be written in Kaithi; and that (2) the Persian character should be retained for the regular office-writing, care being taken that the language used was simple and in vernacular use and not foreign and artificial.

The policy of this order was discussed in the columns of an able local paper, *The Indian Observer*, and the folly of the measure and the inaccuracy of the data, on which the resolution was based, were pointedly and conclusively exposed. This had the effect of mitigating to some extent the fierceness of Sir George Campbell's onslaught on Urdu. Under Sir Richard Temple's rule the question remained in abeyance. But the advocates of Nagri have become once more triumphant; and their successful and continued agitation has borne fruit in the following order, by the present Government, that 'this character should be exclusively used from the Ist of January, 1881, throughout the Patna division and in such districts of the Bhagalpur divisions as might afterwards be notified, and that the issue from the courts of any documents in the Persian character, except as exhibits, should be absolutely forbidden.'[1]

It remains to be seen whether this edict will achieve the regeneration of the Hindus of Bihar, by relieving them from the intolerable hardship (which, however, does not seem to have oppressed them very severely) of having 'no medium of intercommunication with the authorities except a character alien to them.'

I now come to examine the position of the Muslims

[1] The order in question has exasperated the Muslims without satisfying the advocates of Nagri, who are now clamouring for a change of Language.

as regards civil and political employment under the British Government. It is a recognised fact that before Lord William Bentinck's time, the Muslims enjoyed the major share of state patronage. Since 1828, however, the case has been different, and the Hindus have taken the place of Muslims in every branch of official life. In 1871, Dr. Hunter wrote as follows: 'Even ten years ago, the Muslims invariably managed to transmit the post of Nazir, of chief of the revenue bailiffs, to men of their own creed, but now one or two unpopular appointments about the jail are the most that the former masters of India can hope for. The staff of clerks attached to the various offices, the responsible posts in courts, and even the higher offices in the police are now recruited from the pushing Hindu youth of the Government schools.' At the time when Dr. Hunter wrote, the proportion of Muslims to Hindus in the gazetted appointments was less than one-seventh; since 1880 the proportion has fallen below one-tenth. But it is in other and less conspicuous depratments, where the distribution of state patronage is less closely watched, that the fate of the Muslims under the British rule may be more accurately observed. In the Foreign Office staff, consisting of fifty-four officers, only one is a Muslim.[1] In the Home Department staff, composed of sixty-three officers, only one employee is a Muslim. In the departments of Finance and Revenue formed of seventy-five officers, not one is a Muslim. In the Comptroller-General's Office, with a staff of sixty-three officers, not one is a Muslim. In the Office of the Secretary to the Government of Bengal (General and Revenue Department), with a staff of ninety officers of a superior grade, there is not a single Muslim employed. The Judicial, Political, and Appointment Departments, composed of eighty-two officers, contain not a single Muslim. In the Office of the Accountant-General of Bengal, out of 181 officers, no Muslim enjoys office. In the Board of Revenue, out of 113 assistants, only one belongs to the Muslim faith. In the Office of the Inspector-General of Registration in Bengal, one Muslim only is employed. In the Customs department, with a staff of 130 principal officers and assistants, the Muslims are conspicuous by their absence from the muster-

[1] I cannot vouch for the absolute accuracy of the figures; but they may be taken as approximately correct.

roll. In the Preventive Department, in the Calcutta Collectorate, in the Office of the Director-General of Post-Offices in India, there is, as far as I have been able to ascertain, not a single Muslim employed. In the Postal Department, out of 2,035 officers, only 110 are Muslims. In the Telegraph Department, none. It is the same again in the Public Works Department. In the Department of Public Instruction, out of 421 officers, only thirty-eight are Muslims. In the High Court, out of 298 officers, only forty-seven are Muslims. In the Calcutta Court of Small Causes, of twenty-seven ministerial officers, only one is a Muslim. In considering the force of this calculation in Bengal, it is well to remember that one-third of the population at least is Muslim. In the Eastern districts, *viz.*, Faridpur, Pabna, Mymensingh, Rajshahi, Chittagong, Midnapur, Rangpore, &c. the Muslims outnumber the Hindus, in some places forming two-thirds at least of the whole population. The annexed table will give some idea of the disproportion exising at the present moment between the official preferment bestowed upon Hindus and Muslims :

Comparative Table of Muslim and Hindu Employees in the Town of Calcutta and the Mofussil.

Designation of Offices	Number of Hindu Employees	Number of Christian Employees	Number of Muslim Employees	Total Number of Employees
Office of the Private Secretary to His Excellency the Viceroy	3	15	—	18
Foreign Department	39	14	1	54
Home, Revenue, and Agricultural Department	39	23	1	63
Department of Finance and Commerce	17	58	—	75
Comptroller-General's Office	18	45	—	63
Bengal Secretariat (General, Revenue, Financial and Statistical Departments)	15	75	—	90
Judicial, Political, and Appointment Department	16	64	2	82
Accountant-General's Office	12	169	—	181

(Contd.)

Board of Revenue	24	88	1	113
Department of Issue of Paper Currency	11	7	—	18
Postal Department	—	—	—	—
Director-General's Office in Calcutta	11	29	—	40
Comptroller's Office (Postal)	34	226	5	265
Postmaster-General's Office	65	264	37	366
(In the Interior or Mofussil) in Western Bengal Circle	7	763	22	792
In Eastern Bengal Circle	3	151	9	163
In Bihar and Orissa	19	353	37	409
Office of the Inspector-General of Registration	4	6	1	11
Customs Department	—	130	—	130
Office of the Director of Public Instruction	1	21	—	22
High Court Original Jurisdiction	25	91	—	116
High Court [Appellate side]	20	115	47	182
Legal Remembrancer's Office	1	11	1	13
Presidency Court of Small Causes	8	18	1	27
Surveyor-General's Office	55	18	10	83
Department of Public Instruction	61	421	38	520[1]

List of the Employees in the Mofussil

Districts	Number of Hindu Employees	Number of Muslim Employees	Total Number of Employees
Bankipore	25	13	38
Bhagalpur	113	22	135
Bogra	91	33	124
Burdwan	117	14	131
Faridpur	336	30	366
Howrah	206	8	214
Murshidabad	343	39	382
Mymensingh	324	20	344
Midnapur	460	39	499
Pabna	179	26	205
Purneah	129	59	188
Rajshahi	287	57	344
Barisal	389	34	423
Gyd	144	31	175[2]

[1] This does not include appointments at the disposal of the Circle Inspectors.

[2] I have not been able to obtain the statistics of several important districts, but I know for certain that the existing disproportion between Hindus and Muslims is as great there as in the districts mentioned in the table.

On referring to the 'gazetted appointments,' the following table will show the exact relative position occupied by the Muslims and Hindus :

List of Gazetted Officers

	Christians	Hindus	Muslims	Total
Judges of the High Court of Judicature	12	1	—	13
Covenanted Civil Servants appointed in England	248	7	—	255
Judicial Officers in the non-regulation districts	1	—	—	1
Deputy Magistrates and Deputy Collectors	41	153	22	216
Judges of Small Cause Courts and Subordinate Judges	9	44	3	56
District and Sessions Judges	29	1	—	30
Munsifs	—	247	14	261
Police Department Gazetted Officers	118	38	9	165
Public Works Department	167	217	17	401
Medical Department	98	24	3	125
Department of Public Instruction	53	98	6	157
Registration Department	4	18	3	25
Forest, Excise, Assessed Tax Custom, Salt, Opium, Stamp Stationery, Mints and Survey	300	2	—	302
Total :	1,080	850	77	2,007

In the North-Western Provinces the disproportion between the two races is probably not so great, and yet the Hindus outnumber the Muslims in all the Government offices to an extent which only those who have studied the subject can fully comprehend. In the district of Cawnpore, for example, there are 104 Hindus to thirty-four Muslims.[1] Probably the pressing consideration of English political questions and the excitement of party contests leave little time to those entrusted with the destinies of India to give a careful and considerate examination to the grievances of the Muslim race which loudly call for

[1] In Madras, the proportion of the Muslim to the Hindu employees of Government is as 1 to 10 ; in the interior of the Presidency it is 1 to 33.

redress. But when the English talk of the 'dark ingratitude of the Muslims in not appreciating the benefits of the British rule,' when they dwell on the common topic of Muslim disloyalty and Muslim disaffection, it will be well to remember the wrongs, both sentimental and substantial, which this class of Her Majesty's Indian subjects has had to endure. It is impossible for those who have especial powers of observation to shut their eyes to the fact that there is a very wide and deep feeling of discontent existing at the present time among the Indian Muslims and there is every danger if the feeling of discontent be allowed to grow chronic, that it will, at some time not far distant, develop into an active feeling of disaffection. Whilst, as I have said before, almost all the other Indian nationalities have prospered under the British rule, the Muslims alone have declined. Is it not natural that they should compare their former condition of prosperity, even under the early English Governors-General, the large-minded, far seeing statesmen of the type of the Marquis of Wellesley and the Marquis of Hastings, with their present degraded condition, when the scions of the noblest houses find themselves actually in want of their daily means of subsistence ?

The present Lieutenant-Governor of Bengal, whose term of office, unfortunately for this province, is fast drawing to a close, has personally done much to improve the prospects of the Muslims. And within the last twenty years the Muslims themselves have made the most strenuous exertions to qualify themselves for competition with the Hindus under English rule. [1] The fact, however, remains that with every avenue to public employment already jealously blocked by an antagonistic and versatile race, it is almost impossible for a Muslim candidate to obtain a footing in any Government office. In every walk of life, in every matter, whether it concerns the disposal of a post or the dispensing of state hospitality, the Hindu has obtained

[1] I ought to warn my co-religionists that they must not leave out of their calculation another rather unexpected body of competitors, besides the Hindus, in the race for material prosperity. Since the Indian Government has undertaken the support and education of the Eurasian youths out of the general revenues of the Empire, and has almost pledged itself to further their interests, it behoves both Hindus and Muslims to exert themselves more strenuously than ever, if they do not wish to be beaten by rivals backed by Government.

an influence which he will not willingly share with another. I make these remarks without the smallest animus against the Hindus, amongst whom I reckon many friends; but a sense of duty compels me to point out the disadvantageous circumstances under which the Muslims are found to labour. The independent professions form no exception to the rule, and are, for the most part, the monopoly of the Hindus. Forty years ago, the Muslim pleaders of the old Sadar Diwani Adalat formed by their wealth as well as by their number a most influential body of citizens. In 1881, out of a hundred or more pleaders practising in the High Court of Calcutta, only two are Muslims. Out of ninety-seven attorneys, only one is a Muslim. Excluding the higher medical officers who hold gazetted appointments, there are in Bengal about 200 assistant surgeons. Out of these, if my information be not incorrect, only four are Muslims. It is difficult to believe that the Government of Lord Ripon can be oblivious of the gravity of the danger involved in a continuance of this unfortunate situation.

But the charge which the Indian Muslims prefer against the British Government does not rest here. The gravest count of their indictment refers to judicial administration. The not unfrequent miscarriage of justice arising from the insufficient knowledge of Muslim law possessed by English and Hindu judges has given rise to a deep-seated feeling of dissatisfaction and distrust among all classes of the Muslim population in India. They allege, and not without reason, that since the abolition of the offices of *Mufti* and *Qazi-ul-Quzat*, officers especially authorised to interpret and expound the Muslim law to European judges, the Muslim law has practically ceased to be administered. Even where it is attempted to be applied or enforced, the attempt is always uncertain in its result. The major portion of the Muslim law regulating the domestic relations is not recognised by the courts of justice in India. They decline to exercise matrimonial jurisdiction over Muslims. A Muslim wife is entitled under the Muslim law to a judicial divorce from her husband for desertion or ill-treatment. Under the British Government there is no court to give her the redress the Muslim law provides for her. The Criminal Court may order for her a separate maintenance on the ground of ill-treatment, but it cannot dissolve the marriage. The non-administration of the

Muslim domestic law, combined with the absence of a stringent system of compulsory registration of marriages and divorces among the Muslims, such as was maintained under the Muslim Government, has given birth to serious evils. These evils have within the last twenty years assumed a magnitude sufficient to attract the attention of Government. Consequently in 1876 an optional measure of registration was passed into law, with no small amount of trepidation lest the action of Government might hurt the tender feelings of the ignorant section of the Muslim community. No step, however, has yet been taken to improve the administration of the Muslim law.

I have thus far endeavoured to state briefly, without exaggeration and without bias, the chief grievances of the Muslims of India. I now propose to offer a few practical suggestions, from a Muslim standpoint, for the solution of the great Muslim problem. The unsatisfactory condition of the Muslims has already forced itself on the attention of Government. It is necessary, therefore, that the views of the Muslims themselves, as to the remedial measures essential for their well-being, should be plainly and publicly stated. The time for mere sentimental expressions of sympathy and infructuous minutes and resolutions, leading to nothing, has gone by. Effectual measures are needed; words alone have no practical result. Government has for some time past expressed its sympathy for the Muslims, and the present Government in notably animated with a sincere desire to redress their wrongs and grievances. The Viceroy's reply to a recent address of the National Muhammadan Association lays special stress upon his desire to deal with all her Majesty's subjects on a footing of equality. Inspite of all this, the condition of the Muslims, instead of improving, has within the last decade become worse. This, no doubt, arises from the fact that the same desire to deal equitably with the Muslims is not shared by the officers who really hold the threads of government in their hands. The first and foremost condition necessary for the prosperity of the Muslims is that the balance of state patronage between them and the Hindus should be restored. This however, cannot be achieved unless the officers with whom rest the actual distribution and dispensation of it lend their zealous support to the efforts of Government. Under the Treaty of 1765 the Muslims are fairly entitled to ask for

greater consideration at the hands of the British than has latterly heen shown to them, though perhaps it would be unreasonable of them to expect any such preponderating influence under the English Government as they possessed under their own sovereigns. But this is not, as Dr. Hunter in eloquent terms has pointed out, their petition and their complaint. 'It is not that they have ceased to retain the entire state patronage, but that they are gradually being exculded from it altogether. It is not that they must now take an equal chance with the Hindus in the race of life, but that, at least in Bengal, they have ceased to have a chance at all.' Under their own government the Muslims possessed several avenues to wealth and power. The army and police were officered by them; the administration of justice and the collection of the Imperial revenues were largely monopolised by Muslims. The department of education was exclusively in their hands. Long before the great Hindu Chancellor, Todar Mal, had introduced Persian into the subordinate departments, the Hindus had begun to learn the language of their masters with as much zeal as they now learn the English. Even towards the close of their empire, the Muslims represented the intellectual power of the land. Their system of education was 'infinitely superior to any other system of education than existing in India.' It was a reflex of the system which had been in vogue at Cordova and Baghdad, and which had enabled their ancestors to hold aloft the torch of knowledge, while all around them was lost in darkness. Their polish and their civilisation were by no means inferior to that of the Western nations, and their intellectual supremacy was as undisputed as their material power. Dr. Hunter remarks that 'during the first seventy-five years of our rule, we continued to make use of this (the Muslim system of education) as a means for producing officers to carry out our administration. But meanwhile we had introduced a scheme of public instruction of our own; and as soon as it trained up a generation of men on the new plan, we flung aside the old Muslim system, and the Muslim youth found every avenue of public life closed in their faces.' 'Had the Muslims been wise,' continues Dr. Hunter, 'they would have perceived the change and accepted their fate.' But they were not wise; they felt secure in a fool's paradise,

and thus, when the old system was suddenly abolished, they either could not divest themselves of the traditions of their nobler days, or could not accustom themselve easily to the new order of things. They soon found themselves supplanted by men who had been specially trained according to the new method. The Muslims have simply been 'crowded off,' to use an expressive Americanism, from the public service and the iudependent professions. The entire government of the country, so far as it affects the natives of India, is virtually in the hands of the Hindus. Their influence is all-powerful in every department of State, [1] and that influence is almost invariably excercised to exclude the Muslims, whom they regard as aliens, from their proper and legitimate share in official preferment. [2] It will not be contended by the warmest advocate of the Hindu, that he is intellectually superior to, or possesses more stamina than the Muslim. The truth is, that for the last fifty years the Muslims have been, and still are, most grievously handicapped. The time has arrived when Government should insist upon all its officers giving loyal effect to the order recently passes, for the more extended employment of the Muslims in the service of the State. In the gazetted appointments also the present disproportion between Hindus and Muslims should be removed. Appointments to the subordinate judicial service are made, I understand, on the recommendation of the High Court, but for some reason the claims of the Muslims to a fair share of the patronage of the High Court have, for some years past, been so overlooked, that at the present moment the disproportion between Hindus and Muslims is probably greater in the subordinate judicial than in any other branch of the public service. The judicial service of the future must, from the necessity of

[1]The Hindus form such a powerful element in the service of the State, that when there happens to be a vacancy in a Government office, a Hindu candidate has almost invariably the first start. Very frequently outsiders know of it only after everything has been settled.

[2]This influence is not only exercised to keep out the Muslims from the public service, but often to 'get them out' when they happen to be in. One of my correspondents, a Muslim gentleman occupying a very influential position in the service of the State, writers thus : 'It may not be out of place to mention that though there are a few Muslims ministerial officers in this district, it is difficult for them to retain their appointments, unless their head officers are also Muslims.'

things, be largely officered by the natives of India. Stamina and strength of character are as much needed in these offices as versatility and finess. Few can doubt that a larger introduction of the Muslim element into the judicial service will add strength to the administration of the country.

It may seem strange to English readers that I lay so much stress upon State employment as the keystone of Muslim prosperity. It will be said, not without reason, that this inordinate dependence upon extraneous support betrays a weakness in the national character. It must not be forgotten, however, that a race of conquerors, who not more than a hundred years ago possessed a monopoly of power and wealth, has not yet developed commercial and trading instincts. Half a century's degradation has deadened all spirits of enterprise among the Muslims, and the absence of capital is another stumbling-block in their path to commercial success.

In the next place, I would suggest the withdrawal of the order substituting the Nagri character for the Persian in the Bihar courts. The change was not wanted for the well-being of the people, and appears to have been made upon insufficient data. It has irritated and alarmed the Muslims without satisfying the Hindus. The greater part of the Hindus in the province of Bihar are, in their manners, their customs, and their modes of amusement, Muslims. Their polish and their culture are derived from the Muslims. They pride themselves upon speaking pure Urdu. It may be said, without much fear of contradiction, that the change in question has proved vexatious to all the educated classes in Bihar. As I have already pointed out, Urdu has been the language of the province for several centuries. It is not only intelligible to the masses, but it is in a more or less modified form spoken by every-body :

> It is a matter of every-day occurrence in Bihar (says the memorial submitted by the Bihar Hindus and Muslims to the Lieutenant-Governor) that persons who belong strictly to the masses are brought before the courts of justice either as witnesses or as parties. An illiterate cultivator, from a village remote from town, stands in the witness-box before a European officer who knows no other native language than the Urdu or Hindustani. An educated pleader stands up to examine or cross-

examine him. The questions put and the answers received are literally in Urdu or Hindustani, and neither the Urdu-knowing officer nor the so-called Hindi-knowing villager feels the least difficulty in communicating his ideas to the other, without the assistance of an inter preter.

In considering the advisability of withdrawing an unpopular measure, no Government would be justified in overlooking the sentimental aspect of the question. The British Government may probably consider itself strong enough to disregard the sentimental side of the Nagri-Urdu controversy ; but yet, as an act of conciliation and justice, it should abstain from steps which tend still further to ruin the prospects of the Muslims, and place them at a disadvantage with the Hindus.

The backwardness of the Muslims in availing themselves of the benefits of English education is not due, as has been supposed, to any unwillingness on their part to study the language of an alien race. Whatever may have been the feeling in former times, there is not the smallest doubt that within the last quarter of a century a strong desire has grown up among the Muslims for the study of the English language and literature, and but for their general poverty this desire might have had a practical issue. As a matter of fact the well-to-do middle class—the section which is the backbone of a nation—has become totally extinct among the Muslims. Few Muslim parents are in a position to give their sons the education necessary for entering the lists with Eurasian and Hindu youths with any chance of success. In the majority of cases Muslim students are compelled, from sheer want and the impecuniosity of their parents, to abandon their studies at the very threshold of their scholastic career. Sir Ashley Eden has no doubt rendered the Muslim community much assistance by the establishment of several scholarships, and by providing for the payment by Government of the school fees of Muslim students in certain cases. But this help is a mere drop in the ocean. What is needed is some great plan similar in its scope and general character to the scheme recently devised for the Eurasian youths. In fact, equal facilities should be now being offered to the Eurasians, though naturally the former cannot expect the Government to assist them out of the general

revenues of the Empire, as it proposes to do in the case of the latter. They may, however, fairly ask that the large funds appertaining to the various endowments which escaped the jaws of the Inam Commission, and of which the Government has the control and direction, should be religiously and scrupulously applied to promote Muslim education.

For example, the enormous accumulations of the Mohsin Fund, of which the Government is the trustee, are for the most part lying unused. Why should not a portion of these accumulations be applied to create foundations for the higher education of the Muslim students? Sir George Campbell's scheme for the promotion of primary education among the Muslims of Eastern Bengal, by means of contribution from the Mohsin Fund, has practically failed, Primary Oriental education needs no especial encouragement; it is higher education which requires fostering. Every hope for the regeneration of India now depends on the spread of English education and the diffusion of Western ideas through the medium of the English language. A thorough knowledge of the English language and literature is now the only avenue to preferment and honour. It having been admitted, at least in principle, that the natives of India are to have a share in the government of their country, it is essentially necessary that both Hindus and Muslims should apply themselves to the diligent study of the language of the dominant race, to their mode of thought, their science and their literature. A desire seems to have sprung up lately in several quarters to thrust English education into the background in favour of an Oriental education. In the Punjab, this wish, which is only doubtfully express in other parts, has taken a definite shape, and has naturally provoked the suspicion of the intellectual portion of the community in that province.

The Hindu community in Bengal is too powerful to allow any tampering with the principle contained in the despatch of 1854, justly regarded as the great charter of the education system in India; and it is unlikely that as far as they are concerned any change will be made in the matter of English education. They perceive the value of it, and having been the chief gainers by it, it is difficult to suppose that they would consent to forego the means by which they have made so much material progress. It is the educational interests of the Muslims which

require safeguarding. It is supposed that the Muslims attach more importance to the study of Arabic and Persian than the Hindus do to their classical language ; that they are so wedded to the past that it would be impossible to accustom them to look modern ideas in the face unless dressed in the tattered garments of antiquity. Prominent expression was given to this idea in a resolution of Lord Mayo. This great Viceroy, whose interest in the welfare of the Muslims forms not his only claim to their gratitude, wrote thus :

> The condition of the Muslims population of India, as regards education, has of late been frequently pressed upon tbe attention of the Government of India. From statistics recently submitted to the Governor-General in Council, it is evident that in no part of the country, except perhaps the North-West Provinces and the Punjab, do the Muslims adequately, or in proportion to the rest of the community, avail themselves of the educational advantages that the Government offers. It is much to be regretted that so large and important a class, possessing a classical literature replete with works of profound learning and great value, and counting among its members a section especially devoted to the acquisition and diffusion of knowledge, should stand aloof from active co-operation with our educational system and should lose the advantages, both material and social, which others enjoy. His Excellency in Council believes that secondary and higher education conveyed in the vernacular and rendered more accessible than now, coupled with a more systematic acceptable to the Muslims community, but would enlist the sympathies of the more earnest and enlightened of its members on the side of education.

Sir George Campbell was then Lieutenant-Governor of Bengal. His reply embodies the result of a mature consideration of the subject in consultation with the educational authorities, the executive officers, and Muslims of influence :

> The present question (he said) referred to by the Government of India, the Lieutenant-Governor understands to be the higher and secondary education. On that subject, after full consideration, His Honour has come to the decided

> conclusion that, however, it may be in Bihar, in Bengal it would not be desirable to encourage the Muslims to look to Oriental languages for higher education. Their vernacular language is generally Bengali, not Hindustani, far less Urdu. They come pretty freely to indigenous Bengali schools, though they have hitherto avoided the Government English schools. It is certain that they would have no desire to be instructed in an artificial Sanskritised Bengali such as some Bengali scholars affect. The few who go beyond primary education study Arabic and Persian not as a medium for attaining Western learning, but in conformity with old habits and to obtain the learning of their religion. If, with much trouble and difficulty, we were to instruct them through Oriental languages in a modicum of modern knowledge, they would in every corner of Bengal and almost in all walk of life, public and private, come into competition with Hindus who had qualified themselves in our language and manner of business, in our laws, rules and practices, in our fashions and habits, by the short cut of directly learning English which they do from childhood, and the Muslims would have very little chance in the competition. The Lieutenant-Governor's opinion therefore is not to attempt in Bengal to give the Muslims Western knowledge through the means of Oriental languages, but only to teach them those languages in their own way so as to satisfy the requirements of their religion, their idea of a liberal education and the genuine demand for Oriental learning for its own sake, not as a means of gaining profit and employment.

This extract contains, in fact, every argument which the Muslims have urged latterly in favour of their higher education.

The study of English is a vital question for the Muslims. It means whether the Muslims are to be enabled to emerge from the desperate condition into which they have fallen and take their proper place among the Indian nationalities, or whether they are to be allowed to sink still lower in material prosperity. At the present moment the Muslims are beginning to apprehend the proper causes of their decline and are making serious

efforts to regain, to some extent, the ground already lost. Now that it is proposed to make the higher education of the natives of India self-supporting, it will be impossible for the Muslims to compete successfully or to keep pace with the Eurasians and the Hindus unless some extra assistance is rendered them. I would propose that the purely vernacular schools should be abolished, and that the funds allotted to their support should be applied to promote high English as well as technical education. It seems unwise of the Government to maintain institutions for imparting a purely Oriental education, as this fosters in the old ideas of exclusiveness which are inconsistent with the exigencies of British rule.

Whilst the thinking portion of the community have, no doubt, been awakened to the requirements of the time, it cannot be denied that there still exists a section whose ignorance is equal to its bigotry and for whom the sun has stood still since the days of Bakhtyar Khilji. To this section the concession made by Government in the matter of Oriental education is probably deemed flattering. The Government, however, does not perceive the mischievous consequences resulting from the promotion among any class of Her Majesty's Indian subjects of a purely Oriental study. Men so educated are turned out into the world to shift for themselves, with no field for the employment of their energies; utterly unable to make a living, and hopelessly ignorant of modern progress and culture, they form so many centres of disaffection and discontent. When disappointment is joined to religious bigotry, when starvation adds fuel to dormant fanaticism, it is not strange that these men should come to hate those whom they believe to be the chief cause of their poverty, and whose motives of generosity they regard with distrust. The appointment of a commission to examine into the whole question of Muslim education and to devise a practical scheme for it, seems to me well worthy the consideration of Government.

Lastly, I would urge upon Government the necessity of improving the administration of the Muslim law. At present the non-administration or mal-administration of the law of the Muslims is a fruitful source of discontent and dissatisfaction, and it is especially necessary, in the interests of the people as well as the Government, that this evil should be corrected. I

would accordingly suggest the appointment in the Mofussil of a number of Muslim judges, qualified to expound the Muslim law; in fact, to sit as assessor-judges in the trial of Muslim cases. In the High Courts of Calcutta, Madras, and Bombay, as well as in the Chief Court of Lahore, a Muslim judge should be appointed to assist the European and Hindu judges in administering the Muslim law. The mischief which occurs from the imperfect apprehension of the Muslim law, even by these superior tribunals, can hardly be overrated. The administration of justice is the strongest and most favourable feature of the British Government, but for the last thirty years the Muslim law has been, in the majority of cases, misapplied. The appointment of Muslim assessor-judges in the Mofussil would entail very little additional expense on the Government. Justice in India is so heavily taxed that not only does it pay its own cost, but leaves a surplus of £45,000 a year. A small additional expenditure, incurred in conciliating and redressing the wrongs of a much-injured community, can be a matter of no very great moment. There is little doubt, I believe, that ultimately, under the system of taxation on justice which prevails in British India, the plan suggested would become self-supporting. As regards the appointment of Muslim judges in the High Courts of India, it is a matter respecting which the Muslims may fairly consider themselves aggrieved—for whilst several Hindu Judges have been appointed in Madras, in Bombay, and in Calcutta, no Muslim has yet obtained a seat on the bench of the superior tribunals. Subventions also should be granted for the translation of the standard legal works into English. In this respect, the British Government may follow with advantage the exmple of the French Government in Algeria.

A compulsory system of registration of Muslim marriages and divorces should at once be introduced by Government. The proposal to work an optional law by means of officers styled Qazis would lead to no beneficial result. Inspite of the factitious opposition of a certain section of the Muslim community it may be said that a compulsory law would be regarded as a public boon by the majority of Muslims. A compulsory system of registration of marriages and divorces exists in all Muslim countries. The system was first introduced by Harun-ur-Rashid, and since his time, wherever there exists a Qazi's

Mahkama, the principle is enforced. In Shiah countries, the *Mujtahid* keeps the record. The presence of a Qazi is not essentially necessary to the validity of a Muslim marriage, so long as there is somebody present to read the contractual formula. In former times, Qazis used to be present in their capacity of public notaries, as well as by virtue of their position as learned men, or Mullas, able to conduct the contractual performance of the ceremony. The mere revival of the *nominis umbra* would prove absolutely useless. To suppose that it is possible, by merely giving certain officers the name and style of Qazis and deputy-Qazis, to infuse new life into dead bones is to miscalculate the whole bearing of the subject. What is needed is to vest them with certain judicial function and to make registration compulsory.

The remarks I have ventured to offer in the foregoing pages embody the result of much patient study and an anxious consideration of the entire subject of Muslim grievances. No one can attach greater importance to the permanence of British rule in India than myself, for I believe that upon it depends for a long time to come the well-being and progress of the country. I have stated my views frankly in the hope of evoking the interest of the English people on behalf of the Muslims, and of assisting the statesmen who are now charged with the conduct of affairs, both here and in England, to understand correctly Muslim feelings. I would, however, repeat the fact that the depressed and despairing condition of the Muslims demands the serious attention of Government, and should not be dealt with longer in the *dilettante* way which has hitherto been the fashion, but in a real, earnest manner. A nation consisting of upwards of fifty millions of souls, 'with great traditions but without a career,' deprived by slow degrees of wealth and influence by a policy of mistaken sentimentalism, mixed with a contemptuous disregard for popular feelings, must always constitute an important factor in the administration of India. It is this factor which cannot be ignored, and which must be taken into account by Government in all future projects for the well-being of India.

THE NINETEENTH CENTURY,
August, 1882, Vol. XII, pp. 193 to 215.

THE LIFE-PROBLEM OF BENGAL

In no country in the world, probably, is the condition of the peasantry a matter of such supreme concern to the Government as in India. The famines, which have afflicted extensive tracts with a frequency of recurrence almost amounting to a natural law, and the disastrous consequences which have followed in their wake, unhinging more or less the resources of the empire and throwing out of gear the entire administrative machinery, prove to the outside world how materially the foundations of national prosperity in this country rest upon the well-being of the agricultural classes. For some years past, the relations of the landlords and tenants in Bengal, the principal province of the empire, have been the subject of special study by the Government, and have at length become so strained as to give rise to serious administrative difficulties. Owing to the unworkable character of some of the principal provisions of the existing law, and the unsatisfactory effects of the rule of prescription which it lays down for the acquisition of occupancy rights by the cultivating class, a deadlock has taken place, as admitted even by the *zamindars* themselves, which it requires the earnest endeavour of the legislature to remove. The difficulty inherent in the nature of the case is increased also by the confusion in the legal conceptions of many lawyers and judicial officers, which, as a recent writer remarks, are so affected by ideas derived from the English law relating to real property, that 'when the *zamindar* and the *ryot* resort to the courts of justice for the ascertainment, definition, and enforcement of their respective rights to the soil, they generally come away more puzzled than ever, and dissatisfied with the vague and arbitrary determinations of the courts.' The tension of feeling which exists between the *zamindars* and the *ryots* throughout Bengal has found expression on several occasions in serious agrarian disturbances. It was in view of these signs and shadows of coming events, that the late Lieutenant-Governor strongly

urged upon the Government of India 'the advisability of setlling the rent question definitely, while the country was tranquil, while seasons were favourable and the people well off, and reason could make its voice easily heard ; instead of allowing things to drift on until another famine, or a second outbreak of the Pabna riots, should compel the Government to take up the subject with the haste and incompleteness that too frequently characterise measures devised under circumstances of State trouble and emergency.'

The Bengal Tenancy Bill recently introduced in the Council of the Governor-General is the fruit of a long and protracted inquiry, not only as to the necessity of a change, but also as to the basis upon which it should proceed. Every attempt to deal with vested interests by legislation—more so, perhaps, in this than any other country—evokes a storm of indignation among the classes whom it is likely to affect ; and such has been the fate of the new Rent Bill. It is urged that the Government proposals are of a revolutionary character, and aim at a general confiscation of the rights of the *zamindars* ; that they involve a breach of faith with the landlords ; that they override all the doctrines of political economy. Ancient copper-plates are dug up, and the pages of Firishta are ransacked, to establish the position that the *zamindars* of Bengal, with their valuable rights and privileges, are not the creature of British Regulations, but that they have existed from ancient times as absolute proprietors of the lands which they possess, free to do what they liked with their own and their tenants' property. As claiming to be absolute proprietors, any restriction on their mode of dealing with their lands is regarded by them as an encroachment on their original rights ; and every measure to give security to the tenants is denounced as a redistribution of property. There is a great deal of exaggeration, however, in this view of the main features of the Bill, for even a cursory examination of the antecedent history of proprietary and tenant-right in Bengal, and of the principles of the proposed enactment, would satisfy unbiased minds that the criticism is in the main unwarranted and groundless. I propose, therefore, to offer in the following pages a review of the circumstances which have led to the introduction of the measure, and to show its bearing on the economical aspect of that great question which has been

happily termed the 'life-problem of Bengal.'

When the Muslims established themselves in India, they introduced in the administration of their newly acquired territories the rules and institutions which were in force in the countries whence they originally came, with such modifications as were rendered desirable by the altered circumstances of their presence on an alien soil. According to the regulations of Hasan Maimandi, which were framed on the lines of the Saracenic jurists, the sovereign was, in the eye of the law, the lord paramount of the entire land in the country; but his rights and powers were limited and circumscribed by the rights of his subjects. In dealing with the land, he was bound by law to deal equitably with the interests of cultivators. He could not exact, at least in theory, more than a definite share of tax upon the soil actually in cultivation, and was bound to make allowances in times of drought and scarcity. The person cultivating the land, either himself or by his servants,[1] was regarded as the real proprietor,[2] a certain fixed tax, varied periodically according to the gross produce of the land, being paid by him. At the same time, as pointed out by Major Baring, 'the idea of individual property in land, in the sense in which we apply the term in England, had not been attained. An intermediate step had been reached. Community of property no longer existed, but perfect freedom of contract, in respect to the land, was wholly foreign to the ideas of the people.' Such was the general condition of the land system under the Mughuls.

It will thus be seen that prior to the Cornwallis Regulations, there is not to be found in the constitution of the country the smallest trace of a class of persons answering to the modern *zamindars*, and possessing the rights and privileges now claimed for them; entitled by immemorial custom to override the just rights of the cultivator; empowered to increase the burden of the *ryot* at their own free will; and acknowledging no check on their avidity save their own sense of justice. Such a body of men certainly did not exist under the Mughuls, inspite of copper-plates and Firishta. There can be little doubt that even those

[1] These were called the *Muzara*, and would be analogous to the *Korfa ryots* of the present day.

[2] In Arabia called the *Rab-ul-Arz*; in Persia, the *Dihqan*; in India, *Zamindar*—not the *Zamindar* in its Bengal sense, but as understood in Northern India, in fact, the village proprietor.

zamindars who possessed a permanent heritable interest in the lands in their possession and control were liable to furnish to the Mughul Government, in the best period of its domination, a faithful account of their stewardship ; that they were liable to be set aside with the reservation of a small allowance, on failure of the regular remission of the Government revenue, and that when this extreme course was not deemed advisable, *Sazawals*, or managers, were appointed to administer their properties. In no case did they possess the power of evicting the *ryots* even such as were of a migratory character, so long as these paid their rents regularly.

The whirlwinds of conquest, which so often passed over the face of the country, left untouched the rights and privileges of the *ryots*. Through all the long centuries of Muslim domination up to the present date, there has existed 'the living tradition' to use the words applied to the unfortunate peasantry of another country, 'of a possessory right attached to the status of a cultivator of the soil.'

There is yet extant a Farman of the Emperor Aurangzeb, the value of which, as a contemporaneous record of the social and economic condition of the country, has not been sufficiently appreciated. It is an edict addressed by Aurangzeb to one of his principal officers in regard to the revenue administration of the Empire.

The two most noticeable things in this remarkable document are, first, the extreme solicitude of the sovereign that the rate should be so adjusted as not to press unduly upon the *ryots*, and under no circumstances to exceed half of the produce ; and, secondly, the absence of any reference to a privileged class, whose interest might be supposed to militate against those of the *ryots*. Another feature, also, deserves close attention—*viz*. the recognition by the State of the power possessed by the cultivators to transfer their lands by sale or mortgage. The principle of transfer, therefore, which the Government proposes to recognise in the present Bill, is not by any means new, having been in force from ancient times, and having received emphatic recognition under a monarch who never paid much regard to the old traditions of the country.

Aurangzeb died in the year 1707. On the 12th August, 1765, a memorable day in the annals of this country, the Emperor Shah Alam II conferred the office of *Diwani* upon the East India

Company. By virtue of this office it became the duty of the Company to organise, upon a sound basis, the revenue administration of this province. At first the attempts were confined to improvements in the *morale* of the officers charged with the collection of the land tax. But the instructions issued to the supervisors in 1769, when the President and the Board took the first steps in connection with the *Diwani*, throw considerable light upon the disastrous consequences to the people, and especially to the agricultural classes, which had followed on the death of Aurangzeb.

The steady decline of the Imperial authority in the outlying provinces, and the general slackening of the reins of administration, had thrown into utter confusion the frame-work of the governing hierarchy. The collectors of revenue, the stewards and bailiffs—*zamindars*, *amils*, *chaudhris*, and *qanungus*—assumed to themselves powers and privileges which they had never possessed before.

In 1772, the first formal step was taken by the Company in their character of Diwan, and a public regulation passed for the settlement and collection of revenue in the Subadari of Bengal, Bihar, and Orissa. The land revenue was farmed for five years; the farmers were directed to make the usual advances to the *ryots* for cultivation; they were prohibited from receiving larger rents than the stipulated amounts, or from levying cesses; and the supervisors were instructed to prepare rent-rolls of each *mahal*, or farm, according to the order in which it stood in the pargana, which rent-rolls would be freely accessible to the public.

In 1786, Lord Cornwallis arrived in India, charged with the duty of organising, upon a solid and permanent basis, the revenue-system of a province which by one of the strangest freaks of fortune had been entrusted to a band of traders. A member of the British aristocracy, permeated by English notions of feudalism, he naturally viewed all questions from the standpoint of an English landlord; and the measure which he introduced, and which he so successfully, inspite of the opposition of some of his ablest coadjutors, carried into execution, proves his tenacity of purpose and consistent thoroughness. It cannot be denied that the legislation by which he gave fixity and permanency to the Government demand upon the *zamindars* has developed the resources of the province, and enriched at least one portion

of Her Majesty's subjects—the land-owning class. Had Lord Cornwallis also guaranteed the *ryots* against the exactions of their landlords, the difficulties which at the present moment agitate the public mind would probably never have arisen. His chief object was to fix in permanence the revenue payable to the State by the farmers *malguzars*, and *zamindars*, and to relieve Government from the burden of periodical surveys and assessments. At the same time, he never actually overlooked the claims of the *ryots* to the protection of the State against unjust and illegal demands on the part of the *zamindars*. In 1787, the collectors were directed to pay especial and unremitting attention to the ascertainment of the rules and rates of the *ryots*' assessments, and to endeavour to fix upon some mode by which these might be regulated on general, fair, and definite principles. But the task was one requiring years for its completion. The consequence was, that when the Permanent Settlement was effected, the collectors had not advanced far towards the accomplishment of the duty imposed on them. Hence, the rights of the *ryots* were left for the most part unrecorded, and, with some few exceptions, the *ryots* themselves remained unprotected against encroachments.

Prior to the period of British administration in Bengal, no persons holding *ryoti* lands, that is to say, none of the immediate cultivators of the soil, could, by the universal custom of the country, be dispossessed of their lands so long as they duly paid their rent. The *zamindars* did not possess the power of enhancing the rents of the *ryots* so long as the Government did not increase its demands. If the State demand underwent a variation, the *zamindars* were authorised to distribute it, according to custom, over the *zamindari*. Unauthorised levy of cesses subjected the *zamindars* to serious penalties, and the *ryot* was always entitled to redress at the hands of the officers of Government in such contingencies. The *zamindar* was entitled to a fixed amount of the Government revenue, which fluctuated as the revenue increased or decreased. Let us see if the legislation of Lord Cornwallis made any alternation in the status of the tenants. In his memorable minute of the 3rd of February, 1790, the Governor-General, in justification of his policy of a Permanent Settlement with the *zamindars*, observed that the right of the Government to fix at its own discretion the amount of the rents upon the lands had never been disputed; but he added that the *zamindars*,

neither then nor ever, could possess a right to impose taxes or *abwabs* (illegal cesses) upon the *ryots*, and that, if new *abwabs* had been imposed since the English occupation of the country, Government had an undoubted right to abolish such as were oppressive. He further said that to permit the *zamindar* to dispossess one cultivator for the sole purpose of giving the land to another, would be vesting him with a power to commit a wanton act of oppression from which he could derive no benefit; that the *zamindar*, however, might sell the land, and the cultivators must pay the rent to the purchaser.

It is a matter of history that the proposals of Lord Cornwallis were almost in their entirely approved of and sanctioned by the Court of Directors. But while according their sanction to the measures initiated by the Governor-General, they do not seem to have been quite easy in their minds with regard to the future results of the step they were taking; and hence we find that, in terms as emphatic as can be imagined, they reserve the right to interfere from time to time to make such regulations as may be necessary for the protection of the *ryots* and subordinate landholders.

Such was the character of the system introduced by Lord Cornwallis. In order to give rest to the province, to protect both the *zamindars* and the agricultural classes from the harassment of a periodical settlement to induce the *zamindars* to improve the estates thus settled with them, and to secure the public revenue, the State, in accordance with a long existing and customary law of the country, limited its demand upon the landlords. It did not attempt to alter the status of the *ryots*, or materially to modify the pre-existing relations of the landlords and the inferior holders, or to vest in the *zamindars* powers which the sovereign himself hardly ever claimed to exercise. In theory at least, the '*ryot* remained as before, a cultivator; entitled to hold by perpetual renewals, at the customary established rates; such rates being the rates established in the pargana for lands of the same description and quality.'[1] Their rates could not legally be enhanced beyond the customary rates, nor could they be ejected as long as they duly paid their rents. Though the *zamindars*, however, were prohibited from enhancing the rates of rent, they were not debarred absolutely from raising their income. In

[1] Justice O'Kinealy's Minute; comp. sec. 6, Reg. IV of 1794.

almost every case, extensive tracts of waste lands, tracts which were in some districts once populous and flourishing, but which the inroads of marauders and the convulsions of a dying empire had denuded of their population, were made over to the *zamindars* with the other lands of their estates. Their reclamation afforded ample room to the *zamindars* to add to their income. But in accordance with the ancient custom of the country, *ryots* settling and creating villages on these lands were entitled, in the first instance, to special privileges as breakers up of virgin soil, and afterwards to all the rights of resident cultivators. As a matter of fact, the great landed proprietors of the present day have no reason to complain, for their incomes from land in the course of the last quarter of a century, inspite of all drawbacks, have, in almost every case, doubled or trebled, or increased by even higher multiples.

Such was the *contract* or *compact* upon the strength of which it is now urged that Government is precluded from legislating in favour of the *ryots*, and which furnishes the basis for arugment that the proposed measure is 'contrary both to the spirit and to the express terms of the Permanent Settlement; in fact, that it involves a breach of the contract made in 1793 between Lord Cornwallis, on behalf of the British Government, and the *zamindars*.'

The Regulations of 1793, while causing by their silence serious injury to the interests of the *ryots*, proved a very qualified blessing to the then existing generation of *zamindars*. The rigid application of the Law of Sale, which brought an estate to the hammer on the least default in payment of the Government revenue, required from them a degree of punctuality utterly opposed to their habits. Accustomed to the easy rule of the Mughuls, which, though harsh in some directions and punishing refractoriness summarily, regarded with patriarchal complaisance ordinary deviations from punctuality, they were either unprepared or unwilling to carry into effect the intentions of Government. The *zamindars* complained that the farmers refused to pay their rents; the Government complained that the *zamindars* allowed their estates to fall into arrears, with the fraudulent object of having them sold, and then purchasing them anew in the names of others, free from incumbrances. Naturally every plea for indulgence was at

first refused. The consequences was that within the space of a few years the large majority of the *zamindars* of 1793 were absolutely sold out and their places taken by new men. Even of these, few are now in existence. Want of thrift in some cases, the strict exaction of the Government demand in others, have displaced many of those who came into existence immediately after the Cornwallis Regulations. It is for the more recent generations of purchasers that the cry is raised, that as they have invested their capital in the purchase of lands on the good faith of Government, they ought not to be deprived of any power or privilege, legitimate or illegitimate, or be prevented from exacting from the *ryots* anything that their position may enable them to extort, or custom may seem to warrant their demanding. People, however, who are aware of the nature of revenue-sale proceedings may well doubt the seriousness of this argument. It is a notorious fact that at revenue-sales properties seldom fetched their proper value. Cases are known of estates worth several hundred thousands being knocked down for a few hundred rupees. And in those days, when the collector's ministerial subordinates were often in league with the agents for purchasers, or with *zamindars* seeking to effect collusive transfers, sales of properties were frequent and extremely lucrative to the purchasers.

That the feelings between the new *zamindars* and the cultivating classes were from the outset by no means of a sympathetic character is sufficiently evidenced by the troubles in Eastern Bengal, to which reference will be made later on. Short measuring poles and illegitimate exactions called from the *ryots* a demand for the rates of their former landlords, and proper measurement as recognised in the adjacent villages. But it was long ere their complaints attracted due attenion from the authorities. In the beginning of the century the Government was concerned only with the realisation revenue, heedess of all other considerations. In order to remove the complaints of the *zamindars* that they were unable to realise their rents from the farmers and tenants, the Government framed Regulation VII of 1799, which conferred on the *zamindar* the power of distraint, and in the case of arrears exceeding 500 rupees due from under-tenants, the power of arresting their persons. It further empowered the *zamindars* to seize the *ryots* and

bring them to the *zamindari* office, there to be kept in confinement till the sums due from them were realised by the sale of their farms and property. It is impossible to believe that powers so extensive would have been given by the Government, had it not laboured under the impression that the *ryots* were protected by law and custom against the exaction of more than the regular pargana rates of rent.

The despotic and oppressive manner in which the powers vested in the *zamindars* were exercised, attracted some notice from the Government even in those early days; and in 1803, Regulation XXVIII was passed to protect the persons of *ryots* from confinement. It enacted that though the personal property of the farmers and *ryots* might be distrained and sold for arrears of rent, their persons were not to be confined, nor was any corporal punishment to be inflicted on them upon any pretext whatsoever. But neither this nor any other Regulation had the effect of putting a stop to the oppression of the *zamindars*, who went on confining and ill-treating their *ryots* whenever it suited their purpose, until the year 1860, when the almost Draconic provisions of the Penal Code inspired a salutary fear in the hearts of all rural despots. The next Regulation which I shall notice as affecting the *ryots* was the Regulation V of 1812, which repealed the limitation imposed by an earlier statute on the powers of the *zamindars* to grant leases for a period exceeding ten years. Though this Regulation contained no provision for the enhancement of rent, and the *zamindar* was still legally bound to give leases in evidence of tenancy at pargana rates, beyond which he could not go, yet indirectly it tended to pave the way for various exactions. The *zamindar* was authorised by this new law to realise his rent in the following ways:

(1) By serving a writ of demand on his tenant.

(2) By distress or sale of his farm.

(3) By sale of his moveable property.

Now, each of these methods contained the amplest opportunity for extortion of every kind; nor could the law step in to protect the *ryots*. The position of the cultivator was also injuriously affected by the powers given from time to time to purchasers of estates at sales for arrears of Government revenue.

From 1799 to 1859, as the Lieutenant-Governor remarked in his speech in Council, 'feudalism on one hand, serfdom on the other,' were the principal characteristics of the land system of Bengal. In theory, 'the constitutional claims of the peasantry' were maintained intact; but practically they were lost in the usurpations and encroachments of the landlords. In 1819, the Court of Directors complained, almost in piteous terms, of the failure of their benevolent intentions in regard to the *ryots*. The Marquis of Hastings, about the same time, regretted that Lord Cornwallis's Settlement, so generously conceived, had subjected almost the whole of the lower classes to most grievous oppression. And Leycester, senior judge of the Sadar *Diwani Adalat*, writes thus in 1827: 'In many parts of the country the resident cultivators are the actual slaves of the landholders, and liable to be mortgaged, bartered, or let to hire, the same as his oxen and goats, at his will and pleasure.'

But whilst the *zamindar* was permitted to have such absolute power over his *ryots*, the law never purported to give him authority to eject in default of payment for enhanced rates. *Salamis*, or forced benevolences, were often exacted; the *ryots* were treated as slaves; but the right of ouster, vested in the *zamindar*, was, as far as the law was concerned, strictly limited to the case of non-payment of the legal customary *zamindari* dues.

Such was the position of the *ryot* and the state of the law when the legislature conceived in 1859 the scheme of consolidating the rules and regulations on the subject of the mutual relations of landlords and tenants. The Act then passed undoubtedly effected a great improvement in the material condition of the *ryots* and afforded them some protection against the exercise of arbitrary power on the part of the *zamindars*; but the rule for the acquisition of prescriptive occupancy right, by a twelve years' occupation of particular plots of land, did more harm than good. The rules also for the enhancement of rent by a uniform reference to the value of produce were not only contrary to the spirit of the former Regulations, but by their unworkable character added largely to the difficulties surrounding the land question in Bengal, and their impracticability was in a few years clearly exposed.

In 1869, the jurisdiction in rent cases was transferred to

the Civil Courts. Whilst the jurisdiction remained with the Revenue Courts, the result of suits had been generally in favour of the landlords. Since the transfer, the result has been chiefly in favour of the *ryots*, owing to the Civil Courts insisting upon stricter proof of the grounds upon which enhancement is asked for. But the principle of proportion, even in its modified form, has proved utterly unworkable. It involves economic and agricultural inquiries wholly beyond the scope of the Civil Courts.

The inquiries of the Famine Commission have proved that the state of agriculture in Bengal is in a very backward condition, though undeniably it differs in different tracts. For example, in places where the *ryots* possess transferable occupancy rights, not only is the state of agriculture more flourishing, but the *ryots* themselves are more prosperous than in places where they are mere tenants at will. But, generally speaking, it may be affirmed that the land industry of Bengal is in a very backward condition. In the next place, though the value of produce in Bengal is increasing, there can be little doubt that there is a sensible increase in the expense of cultivation and a decrease in the yield of the produce. The increase in the expense of cultivation is principally owing to three causes—*viz.*, (1) rise in the rate of wages of agricultural labourers ; (2) a rise in the rate of rent ; and (3) a rise in the price of cattle. The diminution in the yield of the land is due in the main to the smallness of the holdings, combined, it is often said, with a deterioration in the productive powers of the soil. Unless, therefore, the circumstances which materially affect the profit derived from their labours are taken into consideration, the rule laid down in Section 17 must of necessity cause serious hardship to the *ryots*. Supposing even these considerations could be left out of the question, and the former value of produce could be ascertained in order to determine the proportion justly payable by the *ryot*, is the result arrived at to be regarded as invariable ? Supposing the landlord got a certain rate fixed when the value of the produce rose, would he, after having obtained an enhancement decree, reduce the rate when the market happened to fall ? These are some of the problems connected with the present condition of the Bengal land-system. There is a consensus of testimony, that, in spite of some improvement in the material

condition of the *ryots*, generally speaking the improvement is more apparent than real. The prosperity of the cultivating classes depends essentially on the extent of their holdings; and it has been proved conclusively that throughout Bengal and Bihar the holdings of the majority of *ryots* are below two or three acres.

The difficulties connected with the land question grew to a head with the agrarian riots in Eastern Bengal, which opened the eyes of the people to the serious complications involved in the points at issue, and made them realise the spirit of unrest and discontent that was abroad among the agricultural classes.

The origin of the Pabna outbreak in 1873 illustrates strikingly the feeling of exasperation existing between the peasantry and the landlords in some parts of Bengal, and the general nature of the rent dispute. The tenantry broke out first in the Asafshahi Pargana, which was formerly owned by the Rajas of Nattore In the decay of that ancient family, a part of their possessions was purchased by new-comers, who were for the most part strangers to the district, who had no sympathy with their tenantry, and 'whose relations with their *ryots* and with each other appear to have been unfriendly from the first.' These men began at once to raise the collections by decreasing the standard of measurement and by imposing illegal cesses, which, as usual, were afterwards more or less consolidated with the rent. Disputes began to run high between the landlords and the tenants. The lawless character of some of the *zamindars* and of the agents of others led to affrays in which many lives were lost. The *zamindars* employed professional clubmen to coerce their *ryots* and they, on their side, repulsed and resisted violence by combination amongst themselves. Alarmed at the prospect of Government interference with the assessment of rents, several of the *zamindars* commenced demanding written engagements from the *ryots*, and succeeded in extorting from a few most one-sided agreements. But the majority refused, and suits were instituted, on the basis of measurement papers and receipts which were subsequently declared by a Court of justice to be forgeries.

The procedure for the enhancement of rents adopted by the *zamindars* of the Asafshahi Pargana was by no means exceptional; on the contrary, the Government of Bengal considers it as typical of the methods followed by unscrupulous *zamindars* in

many parts of the province. Sir George Campbell realised that the differences between the *zamindars* and the *ryots* were such as to require a thorough revision of the existing law. Owing, however, to a variety of circumstances, chiefly the pressure of the two great famines which afflicted the country about that time, the Government of India deferred to a more convenient season the consideration of a general measure. At the same time the Secretary of State directed that the question at issue between the *ryots* and the *zamindars* throughout Bengal should be carefully watched, so that when the proper time arrived an effectual remedy might be applied. During 1874-75, the annual reports furnished to the local Government dwelt incessantly upon the demoralising state of conflict in which the landlords and tenants were to be found all over this province. In 1875, Sir Richard Temple, who had taken the place of Sir George Campbell, again brought forward the proposal regarding the amendment of the substantive law, and asked for leave to introduce a measure into the local Council, but before he could get a reply he was sent to Southern India to look after the relief measures.

Affairs were in this position when Sir Ashley Eden assumed charge of the Lieutenant-Governorship of Bengal.

After much discussion with the leading *zamindars* and experienced revenue officers, a Bill was introduced into the Bengal Council, providing a summary procedure for the realisation of arrears of rent for a period not exceeding twelve months. The *zamindars* stood admittedly in need of this remedial measure; and it was thought that by affording them relief in this direction they would be willing to make some concessions in favour of the *ryots*. Certain provisions were accordingly inserted in the Bill, with the object of extending the transferability of occupancy rights and of allowing the *ryots* to pay their rents by quarterly instalments. The Bill was referred to a Select Committee, which, after carefully examining its details, reported that, instead of piecemeal legislation, a comprehensive and general enactment was necessary to settle the multifarious questions at the bottom of the land difficulty. Upon receiving this recommendation, the Lieutenant-Governor, with the sanction of Lord Lytton's Government, appointed a Commission consisting of some of the ablest and most experienced officers of Government and two landlords, to institute a searching inquiry into the land system of Bengal,

and to draft a measure by which the rights of the parties might be satisfactorily explained and established once for all. The Commission collected a mass of evidence on the subject, and submitted along with its report a draft Bill, which, in connection with a bill framed by another Commission that had especially applied itself to Bihar, was carefully considered by the Lieutenant-Governor. Several modifications were introduced by Sir Ashley Eden into the Bill of the Bengal Commission, with which the suggestions of the Bihar Commission were partially amalgamated. In July 1880 the Government of India received the Report of the Bengal Government with the Bill, as modified by Sir Ashley Eden. The Bill, which was despatched for the sanction of the Secretary of State in March 1882, was received in January last, and the present measure was introduced in Council on the 2nd of March.

Although great care and attention have been bestowed upon the measure, there is no doubt that some of the provisions still require anxious consideration, and must undergo considerable modification before they can finally be enacted into law.

I propose, therefore, to indicate briefly the general provisions which the Bill embodies. The two main objects of the present legislation are (1) to give reasonable security to the tenant in the occupation and enjoyment of his land, and (2) to give reasonable facilities to the landlord for the settlement and recovery of his rent. In order to attain the first object, it is proposed to make the following changes in the existing system :

(1) To extend the occupancy right to all resident *ryots* holding lands in a particular village or estate for more than twelve years.
(2) To make occupancy rights transferable.
(3) To introduce a fixed maximum standard for the enhancement of rents.

As regards the first proposal, the sketch already given of the original status of the resident *ryots*, prior to the enactment of Act X of 1859, must show that the Legislature has no new object in view. It only aims at the restoration of the resident *ryot* to his old position. The disastrous and demoralising consequences resulting from the twelve years' rule of prescription are now recognised by all classes of society. It did away with the long-established distinction between the resident and non-resident *ryots*, reducing them all to a dead level of uniformity—the *ryots*, who

claimed rights of occupancy, being required under the existing law to prove that they have held for twelve years not merely in the village lands but *in every one of the particular fields or plots in respect of which the right was claimed.* When it is borne in mind how frequently the twelve years' prescription is interrupted by a mere shifting of the fields, sometimes by eviction within the term, sometimes by the grant of terminable leases for short periods with the option of renewal, it will become apparent how difficult it is in general for the *ryot* to acquire a right of occupancy, or to prove it when it is questioned. There is, it will be remembered, no field-survey in Bengal. Considering the testimony which has been borne from all sides of India as to the prosperity of the *ryots* possessing occupancy tenures, their ability to withstand and make head against droughts and scarcities, and to tide over in general more successfully such disasters as were caused by the cyclones and the great tidal wave in Deltaic Bengal, it is unjust to charge the Government of India with being doctrinaires and theorists for believing that a measure facilitating the proof of occupancy rights is essential to the well-being of the agricultural population of Bengal.

The Bill also provides against settled *ryots* contracting themselves out of their occupancy status. Naturally the expediency of this provision has been much questioned, and Government has been attacked with considerable vehemence for attempting, against every principle of political economy, to interfere with freedom of contract. How for political economy, however, is applicable to a country where the mass of the people live from hand to mouth, is a question which was answered effectually, though at the cost of a million lives, during the Orissa famine.

If the extension of occupancy rights among the *ryots* be conducive to the general welfare of the community, there can be little doubt that the provision for the avoidance of contracts, entered into by the tenant, debarring himself from acquiring such rights, is founded on correct principle and good policy.

The proposal to make occupancy tenures generally transferable is the natural outcome of the times. Although there is no provision to that effect in the existing law, such transfers have become frequent under the custom of different localities. The necessity of giving the *ryot* a permanent alienable interest in the soil, which he may sell, mortgage, or otherwise dispose of to the

best advantage without detriment to his landlord, is appreciated on all sides.

The Bill proposes to give the *ryots* not only the power of alienation by private sale or mortgage, but it also provides that the occupancy holding shall be liable to be sold in execution of the landlord's decree for arrears of rent. But in order to protect the interests of the *zamindars*, and to prevent the possible introduction of a hostile tenant, the Bill declares that in all cases of transfer of occupancy holdings, whether by private sale, or by sale in execution of decree, or by foreclosure, the landlord shall have a right of pre-emption. In cases of private sale or foreclosure, the landlord may, if necessary, apply to the Civil Court to fix a fair price, or the amount of the mortgage debt; such purchase or redemption to result in the land being placed at his disposal as unoccupied *ryoti* land.

Two objections have been urged against the proposal to make occupancy rights transferable. First, it is said that the result of a general power of transfer will be, that in the course of a few years the land will pass out of the hands of the cultivators into the possession of middlemen and money-lenders, thus defeating the object of Government to raise up a body of tenantry who would do justice to the soil and be able to bear the pressure of one or two seasons of scarcity. Secondly, it is urged that, in places where the cultivations of indigo is carried on to any extent, the *ryots* would transfer their rights to the planters, to the injury of the *zamindars*. With reference to the first objection, it may be said at once that the experience of competent observers, gathered from districts where the custom of transferability prevails at present, does not justify the apprehensions so generally entertained. The transfers which have hitherto taken place have not had the effect of making the lands pass out of the hands of *bona fide* agriculturists. Perhaps the original proposal of the Government of India, as embodied in the despatch of the 21st of March, 1882, to restrict the operation of transfers in favour of agriculturists only, would have been more expedient, and it is not unlikely that the point will receive serious consideration in Committee. But, with the right of pre-emption possessed by the *zamindar*, it seems scarcely possible that the *ryots* could be able to make the apprehended changes to their own ruin without question. And it is to the interest of the

zamindars themselves that the holdings of the *ryots* should be made transferable. The difficulty and delay of which the landlords complain in obtaining the fruits of a decree for arrears of rent, arise invariably from the impossibility of reaching any property of the *ryot*. The average *ryot*, as Field points out, is too poor for process against his moveables to be productive of much result. His few household pots and pans are either absolutely valueless, or so necessary to him, that it would be the height of cruelty to deprive him of them; his cattle are either essential to his existence or easily got out of the way; while to issue execution against his person would be to incur the costs of his subsistence during imprisonment. By making a *ryot's* holding saleable in execution of a decree, at least one important guarantee is furnished to the landlords for the realisation of the debt and costs.

It has been urged that the right of pre-emption given to the *zamindars*, instead of being an advantage to them implies the imposition of a fresh burden. In each case where the right would be exercised, fresh costs would be incurred; these extra outlays would bring no profit to the landlord, and would merely reduce the percentage of his income. For example, suppose a *zamindar* purchases a property for 50,000 rupees, the rental is calculated according to a certain standard. If, afterwards, he has to spend another 10,000 rupees in the exercise of his right of pre-emption, this extra outlay is either a dead loss to him, or, by being added to the original consideration, reduces the percentage of rental. To this the evident answer is, that even now an incoming tenant pays a substantial bonus to the landlord; when rights of occupancy are made transferable, the value will be immensely increased; and the landlord is sure to recoup himself by the price he would be paid for the holdings in the shape of a bonus or premium.

So far, then, the Bill merely proposes to recognise existing facts, and to place the general body of the resident cultivators in the position which they have all along been really entitled to hold. It takes nothing from the *zamindars* but a power of summary eviction which they never legally possessed, and which no respectable landlord would never care to exercise. It increases materially the security for the rent, and by strengthening the tenant-right of the cultivators makes them better able to

resist famine and the pressure of bad seasons.

The Bill makes provision further, on behalf of the *ryots*, as to the rent payable by an occupancy tenant; for his paying it in kind; for his suing to have it commuted into a money-rent; and for the manner in which such money-rent is to be determined. Some of the sections, however, require careful consideration.

Having so far protected the *ryots*, the Bill goes on to provide the *zamindar* with means of enhancing his rents in a reasonable manner from time to time. It empowers the landlord of a holding held at a money-rent by an occupancy *ryot* to institute a suit for the enhancement of his rent on certain specified grounds. It also provides rules for cases where an increase in the productive powers of the land has taken place by the agency or at the expense of the landlord, or partly by the agency or at the expense of the landlord, and partly by the agency or at the expense of the *ryot*. In the former case, the landlord would be entitled to the whole benefit of the increase; in the latter, the *zamindar* and *ryot* would get the benefit mutually, according to what the Court would consider 'fair and equitable.'

Section 76 provides that the rent of a holding shall not be enhanced in a suit 'under any of the foregoing sections, so that the enhanced rent shall be more than double the rent previously payable.'

Section 77 authorises the Court to distribute the increment over a series of years not exceeding five, 'until the limit of the enhancement decreed has been reached.' This section is expressly limited to cases in which the Court considers that the immediate enforcement of the decree to its full extent would be attended with hardship to the *ryot*.

Section 78 declares that when rent has been once enhanced, it shall remain in force for ten years, and no suit for enhancement shall be maintainable during this period. This is a wise provision, and will put a stop to the incessant harassing to which *ryots* are subjected in many parts of Bengal.

The local Government is empowered to direct a revenue officer to prepare for any local area, with the aid of assessors, a table showing for each class of land comprised in that area the rate of rent fairly and equitably payable by occupancy

ryots, the average gross produce of land, and the average value of that produce.

The table is to remain in force for such period, not less than ten nor more than thirty years, as the local Government may direct; and while it remains in force it will be conclusive evidence, excepting in two classes of cases, of the quitable character of the rates, and of the value of the produce. The task of the Civil Courts will thus be immensely simplified as well as lightened.

To understand the full effect of these provisions, it must be remembered that at present legal enhancement of rents is impossible. A landlord can only get an increase of rent by persuading or coercing his *ryot* into giving it. The Government propose here to revert practically to the ancient custom of the country, and to place enhancement under the control of the revenue officers. The result will be to put money into the pocket of every landlord, in Eastern Bengal at any rate; but because the power of summary eviction is at the same time barred, the *zamindars* denounce the Bill as revolutionary. They would gladly accept the enhancement, but will not concede its necessary concomitant, effective protection of the cultivator.

The Bill also makes a very important distinction between *khamar* or *zeraet* land, which the landlord may use as he likes, and *ryoti* land, in relation to which *ryots* are entitled to occupancy rights. The *zamindars* would not be entitled under the new law to increase the area of the existing *khamar* or *zeraet* land, so as to withdraw for their own especial pleasure or benefit any portion of the present *ryoti* lands from the cultivation or the possible use of *ryots*.

Coming now to ordinary *ryots*—*ryots* who do not possess occupancy rights—we find that under the existing law the rent of such a *ryot* can be enhanced only after service of notice. If after receiving the notice the *ryot* elects to remain in possession of the land, he is liable to eviction or to pay the rent demanded. The Bill provides that the landlord shall not eject an ordinary *ryot* except on the following grounds:

(a) For arrears of rent;

(b) On the ground that the *ryot* has used the land in a manner which renders it unfit for the purposes of

tenancy, or that he has broken some condition on breach of which he is, under the terms of a written contract, liable to be ejected; or

(c) That he has refused to agree to an enhancement of rent on which the landlord insists.

In order to facilitate the growth of occupancy rights, as the only means of promoting the agricultural prosperity of the country, and to prevent the indiscriminate exercise of the device at present resorted to—namely, notice of exorbitant enhancements followed by evictions—it is provided that when the landlord proposes an enhancement to which the *ryot* does not agree, the *ryot* would be entitled, before being turned out, to the value of any improvements he may have effected, and 'a further sum by way of compensation for disturbance, equal to a certain multiple of the yearly increment of rent demanded.' The term 'disturbance,' it must be admitted, is not well chosen, and naturally has caused some apprehension on the part of the *zamindars*. Of course, from the *ryot's* point of view, to be suddenly called upon to pay an exorbitant increased rent, and, in default thereof, to be turned out of his land on which he has lived for several years, and then to be forced to find another plot for his sustenance, is a serious calamity. If the *zamindar* is anxious to turn out the tenant, the small bonus contemplated by the Bill is an insignificant matter. 'The object in view,' to use the words of the Law Member, 'is to fix a multiple of the increase high enough to deter the landlord from making an extravagant demand, but not so high that the *ryot* would be induced by the prospect of obtaining it to refuse to accede to a reasonable enhancement.' This provision will require careful consideration in Select Committee, as its success or failure will depend mainly upon the care which will be bestowed upon its elaboration at this stage. There is no doubt that from the *zamindar's* point of view the provision is one by which his proprietary rights are greatly curtailed; at the same time, it must not be ignored that the encouragement which the Legislature proposes to accord by the new measure to the growth of occupancy rights would serve as a great inducement to *zamindars* to evict *ryots* before they have acquired such rights, upon their refusal to accede to an exorbitant demand for increase of rent. That this fear is not

based upon mere conjecture will be shown from the proceedings of the *zamindars'* Associations, and the views openly expressed by many of them. The unsatisfactory character of the *zamindari* papers and accounts has not escaped notice in the Bill. Most of the complaints urged against the land system of Bengal as existing at present are founded upon this evil, which seems inherent to all *zamindari* management throughout Bengal. In order to remove the possibility of false testimony, the Bill provides that every landlord shall give to his tenant paying him rent a receipt containing full details of the *ryot's* liabilities, and shall keep a counterfoil of every receipt so granted; and that when a receipt does not contain full particulars, it shall be deemed to be an acquittance in full up to date. The landlord is also under the Bill bound to furnish the *ryot* for each agricultural year with a detailed statement of account between himself and such *ryot* for that year, and to keep a counterpart of every statement so furnished. Refusal or neglect to give receipts or furnish accounts subjects the person so refusing or neglecting to penal damages. These provisions, no doubt, will entail additional burdens upon the *zamindars*, and will to some extent add to the cost of collection; but, in the end, the change will be as beneficial to the *zamindars* as to the *ryots*. If the accounts are kept properly and the receipts are open to no suspicion, the false defences so often raised by *ryots* will be rigorously discouraged in courts of justice; thus the saving in the cost of litigation will more that compensate for any extra cost incurred in acting up to the provisions of the law.

The Bill also provides for the deposit of rent in a public office, (1) when the rent is payable to co-sharers jointly, and the tenant is unable to obtain their joint receipt, and no person has been empowered to receive the rent on their behalf; and (2) when a tenant entertains a *bona fide* doubt as to who is entitled to receive the rent. This latter clause, however, requires consideration. In places where the state of feeling between *zamindars* and *ryots* is at all strained, the tenants would be most apt to make use of this provision of the law as an engine for harassing their landlords. The discretion vested in the officer to refuse the deposit, if he does not think the circumstances of the case warrant its being made, does not

seem, in my opinion, sufficient to meet the apprehended evil.

Besides the preparation of a table of rates, the Bill contains a chapter providing for the detailed settlement of rents by a revenue officer in certain cases. Under Chapter XI the local Government is invested with the power of appointing an officer either to fix or merely to ascertain and record rents. After the rents are settled, the officer making the settlement will prepare *jamabandi* papers (a rent-roll) showing the status of each tenant, the land held by him, the name of his landlord, whether the rent has been fixed or ascertained, and the amount of rent fixed or ascertained. This *jamabandi* will be published, and after sufficient opportunity has been allowed to the parties interested to prefer objections to the entries made by the settlement officer, it will be submitted to the higher revenue-authorities, and if ultimately sanctioned by the local Government, will continue in force for ten years.

As regards the procedure in rent-suits, no material change is made by the Bill. The power of appeal in certain cases is withdrawn, but in general the procedure remains as under the existing law. Most of the suggestions that have been put forward on behalf of the landlords for simplifying the procedure are totally unworkable, or, as the Law Member pointed out, are ingeniously disguised contrivances for shifting the burden or proof. The Legislature has, however, endeavoured to simplify the rules applicable to particular classes of suits between landlords and tenants as much as possible, and assimilate them to the procedure adopted in suits cognisable by the Court of Small Causes.

The power of distraint is given to the *zamindars* for the recovery of undisputed rent, but such power can only be exercised through the medium of the Civil Court. The Court, after a brief examination of the case, will depute an officer to distrain and sell the produce, and nothing will stay the sale except the payment into Court of the amount of the demand. This provision regarding distraint appears to be the result of a compromise. The Rent Commission suggested that the existing law of distraint, which had been abused in various parts of Bengal, should be abolished altogether. To this proposal strong objections were justly urged, on the ground that the withdrawal of every power of distraint would make it simply

impossible for *zamindars* to recover the arrears of even undisputed rents. 'The procedure provided by this chapter was then devised by the Government of Bengal, as being likely to secure to the landlords most of the advantages afforded by the existing law, without exposing their tenants to the evils now complained of.'

Such are the main features of the measure in which an endeavour has been made to solve the land-problem of Bengal. In view of the conflict of interests existing between the landlords on one side and the tenants on the other, it is impossible to expect that either party will be satisfied with or willingly accept the proposals of Government. The *zamindars* have all along asked for a law which would enable them to enhance the rents of their *ryots* at their own discretion, and to realise such rents without the necessity of a recourse to Law Courts, as implying a check on the liberty of their action. The *ryots*, on the other hand, are not always ready to pay even their just rents, and claim at times to sit at rates that have long been obsolete.

As regards the *zamindars*' demands, the obvious answer is that no Government in the world can afford to hand over one class of its subjects to another, or subordinate the one to the other, so as to lead to serfdom. It is the duty of every well-organised Government to guard the interests of all sections of the community. Ninety years ago the Legislature made a blunder in not defining the mutual rights of the *zamindars* and *ryots*. After the lapse of a period close upon a century, it has awakened to the perception of the dangers involved in allowing any longer such rights to remain undefined and indeterminate. Because the Legislature did not define the rights of the tenants before it would be absurd to say that those rights are non-existent. Nor can the Government pay any heed to unreasonable demands on the part of the *ryots*. All that the *ryots* can justly claim is to be assured of their holdings, with reasonable security against capricious eviction and illegitimate enhancement. The new Rent Bill represents an honest endeavour on the part of Government to furnish a satisfactory solution for some of the difficulties, and to place as far as possible the mutual relations of the two parties to the present question upon a definite and intelligible basis.

THE NINETEENTH CENTURY,
September, 1883, Vol. XIV, No. 79, pp. 421-440.

THE RUPEE AND THE RUIN OF INDIA

An impression seems to prevail in certain quarters that the fall in the gold value of silver affects only the European officials in India, and that an attempt to restore the rupee to anything like its old value would be prejudicial to the people of the country. This fallacious idea owes its origin, no doubt, to an imperfect acquaintance with the condition of the masses, and I therefore propose to show how the depreciation of the rupee in relation to gold affects the population at large. With the wealthy raja, the rich *mahajan*, and the flourishing pleader I have no concern ; when the general weal is in the balance, their interests are of little weight. The general population of India may, for the purposes of my remarks, be divided into two classes, agricultural and non-agricultural. The non-agricultural portion, speaking roughly, forms about one-third of the entire body of inhabitants. Of the so-called agricultural classes, the largest portion, or more than three-fourths, are mere labourers, and are consequently classified as such in all Government statistics.

The first question to consider, therefore, is how the fall in the gold value of the rupee affects the non-agricultural classes and the urban population of India. In connection with this, one circumstance which furnishes a remarkable index to the popular feeling is worthy of note. Throughout the country there is an opinion prevalent among the masses that the Queen's rupee does not possess the same 'blessing' as the old coins bearing the King's effigy. This opinion is loudly expressed among themselves, and often to outsiders when the fear of the police or of the penal code is not present to their minds ; but the idea has a strong hold over them, and is a frequent topic of bewailment. The feeling, no doubt, is an ignorant expression of the fact that the purchasing power of the rupee has declined, that it does not go as far to relieve their wants as before. In their ignorance they are unable to apprehend the causes of this decline, and are led to ascribe it somehow to the British rule.

They would not be far wrong in supposing that were it not for the lethargy which hangs over the counsels of Government the distress would be neither so acute nor so prolonged.

Coming back to the question, how does the fall in the gold value of the rupee affect the people in general? We find that within the last twenty years the incomes of the wage-receiving classes have for the most part remained stationary, whilst the prices of food-grains have risen by leaps and bounds. Among the wage-receiving classes I include the underpaid 'ministerial' clerks of Government, the not overpaid clerks in the employ of private individuals or companies, and people in the like condition.

Taking Bengal first, we find that in 1873 the monthly wages of the agricultural labourers varied from Rs. 3 in the Bihar districts to Rs. 10 in Chittagong, giving on the average Rs. 5 over the whole province. In the North-Western Provinces the average wages amounted to Rs. 4 a month, in the Punjab to Rs. 5, in the Madras Presidency to Rs. 3. Of a horse-keeper, in Bengal, the average wages were Rs. 5; of a common mason or blacksmith, Rs. 9. In 1878 the average wages of the agricultural labourer in Bengal were Rs. 5; in the North-West, Rs. 4; in the Punjab, Rs. 6. Of a horse-keeper the average wages during this year in Bengal were Rs. 5; of a common blacksmith or carpenter a little over Rs. 9. From 1883 to 1888 there was no substantial variation in the wages; in 1891 there was, if anything, a reduction.[1] In towns like Calcutta, Patna, Cawnpore, Meerut, Bombay, and Karachi some slight increase is shown, but the variation is so small as to be of very little account in the consideration of the general question. For example, in Calcutta the average of wages of a common mason or carpenter or blacksmith between 1873 and 1880 is given as Rs. 13 3a. $1\frac{1}{5}$ p.; between 1881 and 1885, Rs. 12 8a. $9\frac{3}{5}$ p.; between 1886 and 1892, Rs. 14 and a fraction. In Patna the average wages during the same periods were Rs. 6 10a. 6p., Rs. 6 12a. 6p., Rs. 7 4a. 4p., and Rs. 7 8a. Of the agricultural labourer the average wages in Patna were Rs. 3 8a., Rs. 3 14a., Rs. 4 8a., Rs. 4 8a., and so forth.

A reference to the wage rates in some of the industrial and other establishments may also prove useful. At the Mirzapur

[1] These averages are struck from figures in Government statistics. I have not given the fractions.

East Indian Railway station the maximum wage of a blacksmith in 1866 was Rs. 10, in 1892 it was the same, although it had a slight rise for some years in the interval. The minimum of Rs. 8 has always remained the same. The carpenter's wage in 1892 was the same as in 1870. *viz.*, Rs. 10. In private establishments, such as collieries, no change in the monthly wages rates is perceptible. It would be useless to multiply examples for what I have stated above, that, inspite of little variations here and there, the bulk of the wage rates in Bengal have remained stationary.

As regards the clerks, &c., in the employ of Government, or of private individuals, or companies, railway, trading and banking, it is notorious that their incomes have not varied for the last twenty years, and those of the professional classes (among whom I might mention the country *mukhtiars* and the native doctors) have fallen, whatever the cause of the fall may be.

During this period of time the fluctuation in the gold value of the rupee has been as follows :

Year	Average rate for Rupee *s.*	*d.*	Year	Average rate for Rupee *s.*	*d.*
1872	1	11¼	1882	1	8
1873	1	10¾	1883	1	7½
1874	1	10¼	1884	1	7½
1875	1	10	1885	1	7¼
1876	1	9½	1886	1	6¼
1877	1	8½	1887	1	5½
1878	1	8¾	1888	1	5
1879	1	7¾	1889	1	4½
1880	1	8	1890	1	6
1881	1	8	1891	1	4½

In March 1892 it stood at 1*s.* 3¾*d.* ; a slight reaction raised it to 1*s.* 4⅛*d.* ; since then it has declined steadily, and now stands at 1*s.* 2$\frac{21}{32}$*d.*

Whilst, as shown already, the earnings of the wage-receiving classes have practically remained stationary, the price of the food-grains has gone on increasing steadily in inverse proportion to the rapid declension in the gold value of the rupee.

In 1873 the average retail price in Bengal of common rice

was Rs. 1 10a., and of *ballam* rice Rs. 1 14a. per maund ; in 1878, which was an abnormal year, the price of the first rose to Rs. 3 5a. 4p. ; in 1883 it fell to Rs. 2 ; in 1888 it rose to Rs. 2 1a. ; in 1891 to Rs. 2 9a. 4p. Of other food-grains the prices varied as follows :

		Rs. a. p.			Rs. a. p.
Wheat,	1873	3 11 3	Grain,	1883	2 2 7
,,	1878	4 0 7	,,	1888	2 4 6
,,	1883	3 1 3	,,	1891	2 4 9
,,	1888	3 12 3			
,,	1891	3 15 9			

Millet sold in 1873 at Rs. 1 5a. 4p. per maund, in 1892 for Rs. 2 5a. 8p., and is now sold for Rs. 2 8a.

In January 1893 the retail price of common country rice had risen to Rs. 3 13a. per maund, and of *ballam* rice to Rs. 4 8a. The table hereunder shows the prices of other food-grains at the beginning of the current year, taking a general average from three different places :

Table showing Prices of Food-grains and Salt, January 1893.

			Rs.	a.	p.
Table rice (1st class), per maund			6	4	0
Common country rice	,,		3	13	0
Ballam Rice	,,		4	8	0
Grain	,,		2	12	0
Millet	,,		2	8	0
Wheat	,,	4 6 0 to	4	12	0
Pulse (Arhar)	,,		3	8	0

When we consider that among the labouring classes the average number of adults composing a household is three, and among classes slightly better off five, it will be seen how heavily the rise in the price of food-grains presses upon these people. They are, in fact, on the verge of starvation, and the majority of them have to be satisfied with one meal a day.

The intimate connection between the fall in the gold value of the rupee and the abnormal rise in the prices of food-grains is self-evident. It is in fact admitted, and a claim is based upon it by the speculative exporter that no attempt should be made to remedy the evil.

It is said that the agricultural classes have gained by the depreciation of the rupee, and it is urged that the export trade in India in grains and cereals of all kinds derives its chief impetus from the falling exchange and is beneficial to the agriculturist because he sells so much more! I shall not pause to inquire whether an export trade in food-grains factitiously fostered and maintained by the fall in the gold value of silver is beneficial to the people; nor shall I dwell on the fact that whatever impetus the export trade in grains has received from the fall in the exchange has resulted to the benefit of the small body of the produce brokers and exporters, who are now vociferously clamouring to prevent any interference to rehabilitate the rupee. The genuine export trade of India owes its development to causes wholly independent of the depreciation of silver. The Suez Canal, increased facilities of transport, immense reduction in the freight of goods, the construction of railways and roads, have combined to develop this trade. Were it left to these natural agencies for its development, the rise in the price of food-grains would have been balanced by the decline, owing to the same causes, in the prices of other necessaries of life. But the fall in the rupee has intensified the evil and accentuated the burden upon the people. The produce broker and the exporter are, no doubt, able with their sovereign to buy sixteen rupees' worth of goods, but how far that benefits the producer or the agriculturist I shall now proceed to examine. If, instead of theorising, we would only take the trouble to inquire for ourselves into the question of this hypothetical benefit, we would find that the bulk of the profit due to increased prices of food-grains goes into the pocket of the exporter; in another case, when the grain remains for consumption in the country, to that of the wholesale *mahajans* and the retail dealers. In Bengal, the producer himself estimates his profit as four annas to ten annas per maund over the old prices that existed before the 'cyclone,' which takes us back to the year of grace 1864.

But let us look to the other side of his account. For the agriculturist also, all over the country, the necessaries of life other than what he himself grows—the clothes which he wears, the oil which he burns, the salt for himself and his cattle, &c.—have become dearer. And, what is more, his rent is enhanced because he obtains more for his produce. Under a rule of peace

and equal laws, free from the danger, generally speaking, of illegal exactions or forced contributions, with the developing resources of the country, the people had immense and potential opportunity of prosperity, had it not been for the terrible curse of a depreciated currency. Careful inquiry would show that no benefit accrues to any section of the people, agriculturist or non-agriculturist. If the former wears an aspect of comparative prosperity, it is due to fairly good harvests and the immunity he has enjoyed for the last few decades from illegal exactions and 'cesses.' The fall in the rupee only helps in his being deprived of his just prices. You might as well give him sixteen-eight annas pieces for, say, five maunds of rice, and call the coins rupees. That is just what is allowed to take place under the glamour of theories promoted and propounded by self-interest.

The native Indian employees above the rank of mere clerks, whether in the service of Government or private individuals and firms, with fixed salaries, which have not, in the majority of cases, altered for the last twenty years, are equally sufferers. The income of the bulk of them varies from Rs. 50 to Rs. 100 a month. Had the rupee retained its original value this would represent £5 to £20 a month; at present these figures barely represent £3 to £12 respectively. Only few get more than Rs. 200 a month. When it is considered that the household of a fairly well-to-do inhabitant of India consists of a number of poor relatives and dependents; that the cost of living, schooling, clothing, &c. has increased all round, there will be no difficulty in understanding how the struggle for existence is becoming harder for even this class of people. The education of boys is becoming dearer every day, resulting from a variety of causes too numerous to detail; many youths, chiefly from amongst the sons of Government officials, are sent to England to acquire that training, discipline, and culture which are conspicuous by their absence from the educational institutions of this country. Can it be said with any approach to truth that the fall in the gold value of the rupee does not affect these people with fixed salaries and a number of months to feed, children to educate, and some position to maintain in their society?

The native trader, the native banker, the native merchant (if their own statements, repeatedly made, are to be relied on),

are half-ruined. Trade is disorganised, and business transactions generally in a most unsatisfactory condition. Nobody can say with certainty what the morrow may bring forth ; nobody can properly forecast his gain or his loss ; nobody can safely engage in any enterprise with any reasonable assurance of a fair outturn.

I have thus far endeavoured to show, albeit imperfectly, how the fall in the gold value of the rupee affects the people of India. How it affects the Government, the official and professional classes of Europeans, and those Indians who, from choice or necessity, desire to give their children a European education, are matters beyond controversy. The position of the Government may be described in one sentence: it is on the verge of veritable bankruptcy. Its vaunted surpluses have turned into deficits, ever growing. All new productive work practically stopped, expenditure reduced to what is absolutely needful the mournful admission of helplessness implied in the quiet appropriation of the Famine Insurance Fund, furnish a clear and unmistakable indication of what is impending unless the Government awakens from its lethargic condition and abandons the *laissez-faire* course which has marked its policy throughout in dealing with the currency question.

The Indian Government has, from the necessities of the situation, to meet large sterling liabilities in England by payments in the coin in which it realises its revenue. So long as India is a dependency of the British Crown she has to remit to England each year a certain number of pounds sterling in discharge of her liabilities. The question whether this burden is right or proper is not relevant to the present issue. Not even the wildest Home-ruler would suggest that cutting India adrift from England, even if it were possible, would be for the benefit of this country. Now, as the revenue is collected in rupees, it is evident that in making the payment in sterling her loss or gain would be determined by the gold value of the silver coin. This is so obvious that it is unnecessary to dwell further on the subject. In 1843 the exchange was 2*s*. 0¼*d*.; in 1853, 2*s*. 1¼*d*. ; in 1863, 2*s*. 0¾*d*. ; in 1872, as already mentioned, it was 1*s*. 11¼*d*. ; at the close of 1892, 1*s*. 2⅔ ½*d*. In the course of twenty years, from 1872 to 1891, as pointed out by a competent authority, the Indian Government has

lost fully sixty-seven millions sterling over its remittances to England. This enormous sum, which might have been profitably spent in developing the resources of the country, in making railways, roads, canals, and opening up tracts still inaccessible to the outer world, in effecting reforms or reducing taxation, in providing means to prevent or to minimise famines, in constructing defensive fortifications on a threatened frontier, might, so far as any benefit to India is concerned, or for the matter of that to anybody else, have just as well been thrown into the sea.

As regards the threatening deficit, the local *Englishman*, in its issue of the 7th January, had an interesting and instructive article, from which I venture to quote one or two passages to enforce my own remarks. After giving a table showing the surpluses and deficits each year from 1879 to 1890, it proceeds thus:

> The surplus estimated for 1892-93 has, as the public is aware, been turned into a deficit of Rs. 1,600,000.[1] The net result of fourteen years of Indian finance is therefore, a surplus in seven years of the period amounting to Rs. 11,192,000, and a deficit in seven other years amounting to Rs. 12,124,000, the deficit thus exceeding the surplus by Rs. 932,000, or, say, one crore.

Then, after referring to the circumstances which led to the re-imposition of the taxes that had been reduced by Sir Evelyn Baring, to the imposition of new taxes, and to the various economies effected to make the two ends meet, the article in question runs thus:

> We find, then, that after the recovery of the finances from the effects of the war with Afghanistan we had down to 1884 a period of prosperity, which has been followed since then by a time of stress and strain. The period of prosperity was coincident with a relative steadiness in the exchanges. From 1878-79 to 1884-85 the average annual rate of exchange varied between 19.26*d*., and 19.308*d*., the decline in seven years being under 3½ per cent. Beginning with 1885, the rupee tumbled headlong down the abyss, and with its downward progress we have had a period of increasing financial

[1] The figures represent tens of rupees.

> pressure, in which it has been necessary to impose heavy additional taxation, to deprive the local Governments of the means for carrying out material improvements, to restrict the progress of railway construction, to starve the administration generally, to suspend the Famine Insurance Grant, and to hunt unsuccessfully in every hole and corner for cheeseparings in the way of savings. It is not, however, a mere coincidence that the period of prosperity went with the steadiness of the rupee. We have given above the statement of the Ministers responsible for the finances, that the coincidence was more than a coincidence—that it was cause and effect.

In the course of fourteen years, whilst taxation has increased by four crores annually, the public debt has increased by twenty. A huge deficit for the present financial year is inevitable, and another, probably much larger, for the ensuing year is equally certain. How is this to be met? There is no margin for further taxation; practically the produce broker and exporter, the real gainers by the present state of things, the *zamindars*, who possibly have profited a little in consequence of increased rental from the *ryots*, are beyond the range of taxation. Any addition to the income-tax will be received with grave dissatisfaction. Is the country to be allowed to go to ruin, the people to starve, the official classes driven to the verge of insolvency, to satisfy theories or to fill the pockets of a small class of people?

The Viceroy, in his reply to the address of the planters of Coorg, made a statement, which, I submit, ought to form the keynote of the financial policy of Government. His Excellency observed:

> No fortuitous advantage which any particular trade may for a time derive under a falling exchange can be allowed to weight against the general injury and loss resulting to the trade of the Indian empire as a whole from fluctuations and uncertainty in the rate of exchange....It will, perhaps, be sufficient if I say that, as the Indian empire does most of its commercial business with countries in which a gold standard obtains, it appears to me that it would be for the

general advantage that India should be provided with a currency of which the gold value would no longer be subject to the fluctuations which have for some years past unsettled our commercial system and discouraged the investment of capital in this country.[1]

The wonder is that, inspite of the unhesitating terms in which the enunciation was made, no action has yet been taken to carry it into effect. As regards the official classes of Europeans, it is indisputable that they have suffered severely by the loss on exchange. They are paid in a depreciated coinage, whilst almost everything they have to pay for, either directly or indirectly, is paid for in gold. Stores, wines, clothing, the schooling of their children, and the cost of living for their families at home, has all to be disbursed in sterling. The loss affects every grade and every class—the man who has a salary of fifteen hundred rupees a month, and the small sergeant of police who gets barely a hundred.

The extent of the hardship entailed upon the official classes can be gauged from the fact that many men holding offices hitherto considered as well paid have been compelled to withdraw their children from school, bring out their daughters to India, and send the sons to the Continent for that education which the falling rupee will not allow them to obtain in England. In a country like India, where influence depends a great deal on prestige, it is idle to expect an ill-paid official, Indian or European, can either command or maintain his position, and it will be the fault of Government if its poorly-paid servants get entangled in straits which in most civilised countries are regarded as detrimental to the public interests.

The professional classes are in exactly the same predicament; the fee of the doctor or of the lawyer, paid in rupees, has not increased. As in the case of service holders, though their earnings have lessened in value the expenses have increased in an inverse ratio. In neither case is there any compensation. The small trader who imports his goods from Europe has to pay for them in gold, and in order to compensate himself has to raise his own prices proportionately in silver, at the risk of losing customers whose diminishing incomes furnish little inducement for much outlay. The merchant and

1 *The Pioneer*, 15, November 1892.

the banker appear to be little better off. One can now understand the angry discontent which pervades the official classes of Europeans, high or low. To suggest that the proper remedy for this evil is for the English to make a permanent home in the plains is to ignore the lessons derivable from the past. The fate of the Muslim conquerors of India ought to be a warning to those who discourage occasional home visits to Europe.

It is almost unnecessary to repeat the fact that a few years' existence without change of climate or scene robs English women of their vitality and reduces them almost into the condition of permanent invalids. Visits to Europe, or, as a *dernier ressort*, to the hills, are matters of life and death to them. Children of European parentage do not thrive in the hills beyond a certain age, and even if they did, education in the proper sense of the term, with the same discipline and training as in Europe, is not to be had. The hill schools under European management are mere make shifts, to be resorted to only in dire straits. The necessity of a European training has forced itself even into the minds of a large number of Indians, who, although themselves without English education, appreciate the benefits that accrue therefrom.

The Manchester Chamber of Commerce recently gave expression to a somewhat strange sentiment, *viz.*, that any attempt to introduce a gold standard or to improve the currency of India would involve a serious political danger. The weight of this opinion may be fairly discounted. Speaking with some sense of responsibility and with some acquaintance with the condition of the people, in my opinion it would be a serious political blunder to let the rupee stand at its present low value, or to allow it to sink lower. 'The rupee and not the Congress will drive the British out of India,' was a remark once made to me by a member of the National Congress. The idea is by no means chimerical. If the present state of things is allowed to continue much longer, there can be little doubt that sooner or later the number of Europeans in the civil and military employ of Government will be considerably reduced. Few Englishmen will care to take up almost a life-long service in India upon the pittance into which the fairly good salaries of former days have turned, nor would parents be willing to invest

money in the training of their sons for the Indian service. Under the apprehended circumstances, the unwillingness of Europeans to come out to India, or of Indians trained in Europe to take service under Government, will promote the employment of men trained in the country, but whether that will be for the advantage of the State is a matter for question.

To my mind, it would be an evil day for India when, from a permanent reduction in the emoluments of officers in the civil and military employ of Government, the agency which has been the making of India is either withdrawn or its efficiency impaired.

Another disastrous effect of the fall in the rupee, which is likely to be far-reaching and permanent in its character, is that it stops all influx of capital from outside. Capitalists in gold countries will not invest in securities in silver countries, because they have no confidence in the value of silver in relation to gold, and consequently, while money flows freely to foreign gold countries, it is denied to the British dependency of India. A currency which fluctuates from day to day, and the value of which depends upon the smartness of foreign speculators, hardly leaves room for any safe calculation. The result of this is that many of the projects for the development of the resources of the country have either to be abandoned or to be postponed until better times.

My object is not to suggest any theory for the solution of a difficulty which may certainly be regarded as the life-problem of India, and the gravity of which is recognised by all classes of people. My sole aim is to dispel the illusion that the fall in the rupee affects only the official classes and benefits the country at large. If Holland could devise a means for the protection of its colonies from a ruin such as is threatening India, surely it is possible for the talented men at the helm here and in England to find a remedy for the evil. Had the Brussels Conference resulted in an agreement for universal bimetallism our problem would have been solved and our difficulties would have disappeared ; but as it is evident that there is no prospect of the dual standard being adopted by England for many years to come, the only remedy for India is to change her standard of value from silver to gold, closing her mints to the free coinage of silver, and retaining

the silver currency as token-coinage, fixing the rupee at, say, 1*s*. 6*d*.

The change can be made without any of the risks of economic loss or political danger predicted by the Manchester bimetallists, and should be carried out without further delay. I venture to predict that if India's standard of value is brought into line with the standard in England, the country's progress and prosperity during the next twenty years will be such as has never before been recorded in the annals of Indian history.

THE NINETEENTH CENTURY,
March, 1893, Vol. XXXIII, No. 193, pp. 515-524.

AN INDIAN RETROSPECT AND SOME COMMENTS

In a recent much-criticised speech Lord Curzon took occasion to observe that 'public opinion in order to exercise a vivifying and steadying influence must be suggestive.' Public opinion in India, as in most other countries, must always be the opinion of her educated classes, who, happily, as time goes on and they become better informed, evince a more accurate appreciation of the motives and actions of Government. Unfortunately, owing to the peculiar conditions of the country, in matters affecting the different communities there is great divergence of opinion, although on general questions the uniformity is surprising.

Naturally 'public opinion,' in so much as it professes to be the opinion of the general public, is not so effective and does not carry the same weight as it would otherwise, were the nationalities of India more homogeneous or more willing to approach special interests in a spirit of compromise. Under these circumstances the standpoint of an independent observer is often of greater value.

Twenty-five years ago I offered to the public in the columns of this Review 'Some Indian Suggestions for India,' which attracted at the time a certain amount of notice from the authorities here, and which even the Indian Government did not think unworthy of consideration. Many of these suggestions have since been translated into fact, and the country has unquestionably made considerable progress within this period on the lines then forecasted.

A glance at the work done and an attempt to indicate the points which still require reform or improvement will not, I imagine, be without interest at a juncture when the consolidation of the Empire appears to be a subject of moment, or wanting in that quality of 'suggestiveness' which makes criticism useful.

To judge of the change that has come over the spirit of the administration one has only to look half a century or so back. In 1844 an English writer in the *Calcutta Review* pronounced that

'exposure of evil was the prevailing horror of the Anglo-Indian Government.' This failing can hardly be attributed now a days either to the Government of India or the provincial Governments, for they often invite moderate and reasonable criticism, and do not allow themselves to be over-ruffled when it is neither the one nor the other. This in itself is an advance which cannot be too highly estimated.

One of the severest indictments framed against the system in force in the middle of the last century was by Sir Henry Layard, traveller, statesman, and diplomatist. Journeying in India in 1858, whilst the Mutiny was still unsuppressed, he described the East India Company's rule in words which deserve quoting. 'We have done nothing,' he said, 'to form a bond of sympathy or to create mutual interests. The people we govern are treated like a distinct race inferior to us. They are excluded from all share of Government, they can never rise to anything beyond inferior posts............Under it money-lenders ....make their fortunes and enjoy them ; but the cultivators are reduced to the utmost poverty, our rule having utterly destroyed the native gentry.'

It is a startling thing to say, but it is nevertheless a fact, that from the horrors of the Mutiny came the salvation both of England and India. The downfall of the Company's *regime* and the assumption of the government by the Crown, with the proclamation which ushered it in, marked an unprecedented awakening in the political conscience of a dominant nation ; for England then began to realise her obligations and responsibilities towards the inhabitants of her great dependency, whose safety is now recognised as essential to her own existence as a world-Power. The new system of administration proceeded on different principles, and was based on an equality of rights among all the subjects of a common sovereign.

Twenty-two years later, when I placed my 'Suggestions' before the public, this recognition had already borne substantial fruit. Offices of emolument and trust had been tentatively opened to the natives of India ; they were represented in the councils of Government, and greater regard was paid to their opinions and feelings on public questions.

The legislation during this period—between 1858 and 1880—save in one respect, had all an ameliorating tendency. The

one exception relates to the exaction of Government dues, of which more further on. Since 1880 the country has witnessed still greater changes. In the face of these facts it would be absurd to say the Indian Government has not kept in view the principles and pledges of the Queen's Proclamation. The hand moves slowly, sometimes too slowly, the pendulum oscillates backwards and forwards, but the ultimate trend is in the direction of improvement. Naturally the slow progress does not evoke much gratulation among the educated classes, and the desire to keep them indefinitely *in statu pupillari* is regarded with more than impatience.

Among the subjects to which I had drawn attention in 1880 were the bankrupt condition of Indian finances, the stringency of the revenue laws, and the necessity of improving the status of the peasantry of Bengal and of broadening of the Councils. The advance in these directions is most striking.

Public revenues have augmented within the last decade by several millions; instead of a hopeless deficit there is a real surplus, and that without any substantial retrenchment, and inspite of the creation of new departments. The salt tax, on the onerous nature of which I had ventured to dwell at some length, has been appreciably reduced. Although a part of this prosperity is no doubt due to a somewhat uncertain factor, namely, the price of opium, it must be ungrudgingly acknowledged that the financial outlook at present is most favourable. Nor can it be denied that, generally speaking, the resources of India during the last twenty-five years have been carefully husbanded and often strenuously safeguarded, whilst the strong attitude taken up against dragging her into the vortex of the fiscal controversy raging in England shows that her interests will not be allowed to be sacrificed on the altar of 'imperial' policy.

The improvement of the police, which still forms a serious blot on British Indian administration, has been taken in hand; a department of commerce has been inaugurated from which great hopes are entertained for the country; whilst the establishment of a model farm and an agricultural college in the province of Bihar is an indication of growing interest in the scientific development of that industry on which the prosperity of India as a whole mainly depends. And the comparatively recent

appointments of Inspector-General and Directors of Agriculture point to the same conclusion. When one compares the meagre work performed so far by the Indian Government bureau in promoting agriculture with that done by similar departments in other countries the contrast does seem remarkable. In the United States the Department of Agriculture collects valuable information from all sides, relating to the cultivation of land, the products suitable for different kinds of soil and the best method of increasing its productiveness, and distributes it freely among all classes. It is to be hoped that under the new system the agricultural prosperity of India will become an object of solicitude with all classes.

As regards taxation, although its general incidence remains unaltered, in many respects considerable relaxation has been afforded to the tax-paying public. Similarly one observes with gratification the attempt recently made 'to free the land revenue administration from the evils of excessive rigidity,' and 'to introduce in its stead an elasticity sufficient to ensure in times of agricultural calamity that the burdens of the cultivating classes should not be aggravated by any unreasonable insistence on the demands of Government.'

The resolution enunciates an admirable precept, but in the absence of some modification in the law it is permissible to doubt if it will lead to any practical result. Evidently the full effect of revenue policy of 1859 is not sufficiently realised. I therefore venture to quote my remarks on this subject in 1880 :

> The rigour with which the land tax is exacted all over India, regardless of all questions of droughts and floods, bad or good harvests, has conduced to no small extent to the present impoverishment of the country. In those parts where the Permanent Settlement is in force the rule of law is, that in case of a default committed by a *zamindar* in the payment of the *jamma*, or tax, by the sunset of a day fixed, his estate is liable to be sold by public auction. The strict enforcement of this peculiarly harsh rule has acquired for it the popular designation of the 'Sunset Law.' Anyone who has ever had to deal with its practical working must be aware of the numberless cases of ruin and beggary which have been

> occasioned there by, and the infinite amount of trouble it causes to many....A simple direction from the Board of Revenue to the revenue collectors against the strict enforcement of this law, even if it should be considered advisable to retain it on the statute book, may in some degree benefit the people.

A few years ago departmental rules alone might have been sufficient for the purpose of amelioration, but matters have now become distinctly serious. If the realisation of land revenue, irrespective of every consideration of hardship, be not the sole object of revenue administration, if the prosperity of the agricultural and landowning classes be a primary matter for the attention of Government, in that case some further and more effective measure to relax the stringency of the revenue laws seems imperative.

As regards the peasantry of Bengal, the Act of 1885 effected a considerable improvement in their status and condition. But the warning which I gave in 1880, and which I repeated in Council when the measure was under discussion, passed unheeded. 'The time,' I had said, 'seems to have arrived when the Indian Government should make up its mind, inspite of the opposition evinced in certain quarters, to confer transferable rights on the *ryots* holding occupancy tenancies. Care should, however, be taken to prevent the peasantry from being bought out, or swamped hy speculative *wakils* or greedy *baniyas*.' And this is exactly what has happened. In many districts the occupancy holders of 1885 have ceased to exist; their holdings have passed into the hands of money-lenders, or *mukhtiars*, whilst they themselves have become degraded to the condition of 'labouring cultivators,' which is a euphemism for serfs.

Again, for an alien Covernment like the British, the existence of a stable, propertied class whose interests are bound up with its durability and permanence is of vital importance. The necessity, therefore, of taking legislative measures for the protection of such a class from the inroads of usurers and money-lenders seems obvious. In Bengal, the *zamindars* with whom Lord Cornwallis made the Permanent Settlement in 1793 soon disappeared, and their places were taken by their servants or by the ministerial officers of the Revenue Courts. The reason of this *debacle* is a matter of history. These, again,

have made way for modern money-lenders. Under the existing system there is no stability whatsosver. Families rise to affluence in one generation, in the next they are paupers. In one district alone, in the course of forty years, four families have followed each other in rapid succession in the possession of the same estate. And this is not confined to Bengal. The same process of continuous destruction goes on wherever there is no restriction on the alienability of land. No one, I think, would contend that the present condition of things is conducive to the benefit of Government.

The introduction into India of the principle relating to freedom of contracts without any restriction or qualification, and without any consideration of the peculiar conditions of the country, has been of the greatest disservice to the people. In India, neither education nor intelligence is by any means uniform; the ignorant peasant is hardly able to cope on equal terms with the astute *baniya*, or the ill-informed *zamindar* with the clever *mahajan*. The disastrous consequences of a rule which has not been successful even in England can easily be imagined.

The reasons which led to the enactment of the Punjab Land Alienation Act apply with equal force throughout India; and its policy may be extended, with great advantage to the people as well as to the Government, to other parts of the country. But in case it may not be considered expedient to introduce a measure of that kind in provinces where the conditions are not similar to those in the Punjab, I would strongly urge that the civil courts should be vested with a discretionary jurisdiction to refuse to put up land to sale in execution either of a decree on a mortgage or of a simple money decree. The property might be placed in the hands of a receiver for the realisation of the debt from its rents and issues; but it should not be sold, unless both creditor and debtor are in accord on the matter. The suggestion does not aim at the absolute prohibition of alienability; its only object is to prevent a sale *in invitum*. As orders of the nature suggested would be subject to revision by the Appellate Court, there need be no apprehension of an arbitrary exercise of the power to the detriment of any interest. It may be said that such a provision will have the effect of lowering the value of land. The same argument among others,

was advanced against the Punjab Land Alienation Act, but wise statesmanship prevailed against legal quibbles and class interests. If the suggestion is accepted, the owner, of course, would be able to borrow less, and the lender would be willing to advance less. But would either be a loser thereby in the end? The measure would have this beneficial tendency that the land would remain in the same family for generations, and the feeling of securty this would engender would give rise to a true spirit of loyalty and a real interest in the development of their property. I remember one instance where the Government of India, by an executive order, set aside a sale, the effect of which would have been to render homeless a large body of proprietors in the Upper Provinces who had held the land for generations.[1] There seems no reason why the principle acted upon that case should not receive legislative recognition.

At one time the Government made special grants of land to Sepoys of the Indian Army by way of reward for meritorious services. They were meant as permanent provision for the soldier's families, and under the name of English *jagirs* (in contradistinction to the old Mughul grants) existed principally in the district of Shahabad, whence the Company's Sepoys were mostly drawn. After the death of the original grantees, there being no restriction on alienability, the lands soon passed into the hands of money-lenders; and this was one of the chief causes of the rising in that district.

I would also suggest that the Civil Courts should be empowered to go behind contracts, and either to refuse to give them effect, or to vary them, if upon inquiry they are found to be unconscionable or harsh. This rule has been lately introduced in England. A similar measure seems to me to be urgently needed in India.

In dealing with the causes which lead to the pauperisation of the affluent classes in India, I had omitted to notice one fact, which did not strike me so forcibly then as it does now after an experience of twenty-five years. It is the harassing litigation in which Indian families become involved at sometime or other, and from which they rarely emerge without total or partial ruin. It is an evil that has grown up under British rule, it is

[1] This was in 1874, during Lord Northbrook's viceroyalty.

fostered by British laws and institutions. An imperative duty, therefore, seems to rest on the British Government to provide some remedy for it.

In most families, the servants, be they agents, stewards, or clerks, find it their interest to foment disputes, and to instigate the members to carry their quarrels into courts of justice. Outside stand lawyers of all grades to conduct their cases, and the *mahajan* to supply them with funds. Wealth soon changes hands, and the rich man of to-day is the pauper of to-morrow. Can any man with the well-being of the country at heart view with complacency this disastrous state of affairs?

It must not be forgotten that whilst in England, besides law, there are other avenues which lead to wealth and distinction, in India, from the circumstances of the British rule, there is practically only one profession in which the rewards are worth striving for. It is not surprising, therefore, that English education has turned all the national energy and intelligence into one groove. The profession of law has thus outgrown the requirements of the country. Within the last twenty-five years, as trade and commerce have developed, a new class of cases, which were practically unknown before, has sprung up, especially in the chief centres of population. These cases are certain to increase in number, and will in time draw to themselves the talent and application of the legal classes. Litigation likely to cause the disruption of families will cease to be the sole occupation of those who at present, willingly or unwillingly devote their time and labour to steer it through many channels, and the Government can safely, without fear of raising an outcry, take step to minimise the evil. If courts of arbitration, as in olden times, composed of the most respected members of the native communities, were established for the adjudication of family disputes, and the ordinary courts of justice were to discourage such disputes from being dragged before them, an inestimable boon would be conferred on the people.

In the case of large estates a great deal may be done by the head of the district or of the province. In a country like India such action is invariably welcomed by the people, and should be taken without hesitancy, and without the slightest fear of wounding susceptibilities or rousing the hostile criticism of any section or class. In a notable instance the interference of the then

Lieutenant-Governor was the means of saving a large estate from destruction, and the family from ruin.

In this connection I should like again to call attention to the tax on justice in the shape of court fees, which enables the rich litigant to harass his less-favoured opponent with comparative impunity, and which in numerous cases prevents the poorer classes from seeking redress in courts of law. The stamp duties levied on civil litigation enable the Government not only to meet the entire cost of judicial administration throughout the country, but also to make an annual profit of 62 lakhs of rupees (over £ 400,000.) If any reason of State not clear to an outsider stands in the way of abolishing this anomalous tax, I would suggest that some portion of the surplus might be utilised for the purpose of improving the judicial branches of the public service, which certainly need strengthening and improvement in the matter of emolument and prestige. The administration of justice is the strongest feature of British rule, and forms, in many respects, its greatest claim to the loyalty of the general population. No means therefore, I submit, should be neglected to enhance its efficiency. A great step in this direction would be gained if district judgeships, instead of being reserved exclusively for members of the Civil Service, were thrown open to barristers of standing and experience.

The Councils, to use the official phraseology, have been 'enlarged', the element of election, although within narrow limits, has been introduced, the right of interpellation has been given to the non-official members, whilst the practice of indicating the general policy of Government, on certain occasions, affords facilities for calling the attention of the authorities to matters of real grievance which otherwise would either escape notice or be left to irresponsible journalists to ventilate.

In 1880 there were only two Indians on the Viceregal Council. Now there are six. Three, if I mistake not, are nominated, whilst the other three are elected by the Provincial Councils. In these also there has been a proportionate increase of Indians, whilst the principle of election has received a larger recognition. A recent critic of Lord Curzon's policy has said that the elected members in the Legislative Councils 'sit there merely to play the part of the chorus in a Greek tragedy.' This criticism, however trenchant, is hardly just. The part of the

elected members, it is true, is small, but it is certainly not unimportant, for their interpellations and speeches serve to indicate the trend of educated public opinion. The Councils contain great possibilities of development, and will probably in time become transformed into fairly representative bodies. But for that consummation several elements are needed : not merely a larger appreciation on the part of the rulers of the altered conditions of India, but also a generally broader conception of civic duties among the educated classes, and mutual toleration and a spirit of compromise among the different communities.

The question of education has during the period under review occupied a large share of attention. Primary education has received generous help, whilst a new scheme has been formulated for giving the State a certain control over the university system. Although the change recently initiated has been severely criticised in many quarters, it is much too early to predicate with any certainty its probable consequences. To an unbiased observer some modification was inevitable ; public interest had in many instances been so subordinate to extraneous and irrelevant considerations, that an attempt on the part of Government to obtain a more effective control over the higher education of Indian youth had become almost certain. At the same time it is difficult not to have some sympathy with the general opinion that the preponderence of the official element among the governing bodies of the universities is a measure of doubtful expediency. Personally I think it a mistake to endeavour to educate the youth of the different nationalities of India according to one uniform method. The difference in their ideals, religious standards, and ethical needs makes the task of maintaining the line of advance at an even pace for all the communities well-nigh impossible. For this reason I have consistently advocated denominational universities, and suggested that the Hindus, Muslims and Christians should be educated and trained according to their own ethical standards, the Government if necessary laying down certain rules for 'hall-marking' the products of these universities for purposes of State-employment. As each community possesses sufficient nucleus for starting denominational universities, no real difficulty stands in the way of giving effect to the suggestion, and I believe that before many

years are over the idea will force itself on public attention.

The machinery with which the Government of India carries on its legislative work is of great importance to the people, and they naturally take exceptional interest in its constitution. The Legislative Department, as a general rule, is presided over by an English lawyer of eminence, who starts upon his duties with very little knowledge of India, of her people or her institutions. By the time he begins to gain a workable insight into these necessary elements of useful legislation his term of service expires, and he makes room for some one else equally able and eminent, but equally unacquainted with the country and its requirements. No amount of outside 'coaching' can, under the circumstances, compensate for the deficiency in that essential requisite. The plain course would be, to have at the head of the department a trained lawyer of wide Indian experience, who would bring to his task the combined knowledge of English law and Indian institutions. But in the multiplicity of interest the plain course is almost always the last course which a Government is disposed to take.

The larger employment of the natives of the country in the higher departments of administration is the subject of perennial discussion and constant heart-burning. In 1880 I had ventured to make in this connection certain suggestions which a few years later assumed a practical shape. Since the recommendations of the Public Service Commission one or two of the higher administrative posts have been opened to Indians. Naturally the educated classes are not satisfied with the advance in this direction. It becomes necessary, therefore, to try to understand from their point of view the real cause at the bottom of this feeling. I may observe here parenthetically that I am not one of those who think that Home Rule for India is within the range of practical politics—certainly not for many years to come; even if the Indian nationalities had attained a degree of solidarity sufficient to make self-government possible the outside conditions are such as to make the idea seem almost insane, for her safety from foreign aggression in the present condition of the world lies in her connection with England. And if England is to guard her against foreign encroachment and outside ambition, and assist her in developing her resources and directing the energies of her peoples in

the channel of modern progress and eventual unification, Englishmen, soldier and civilian, who give her their services must receive due remuneration for their labour. Nor can anyone expect that England, to use the famous phrase of the Arab conqueror of Egypt, 'should hold the horns of the cow while somebody else milks it.'

Having so far indicated the Englishman's point of view, I now proceed to state the case on the other side. However stationary Indian civilisation may be, the civilised nationalities of India are not behind any Western race in adaptability for progress. In the process of adaptation through which they have been passing under British rule there has been much suffering, the history of which remains yet to be told. Families have been swept away, old institutions have disappeared leaving gaps still to be filled, but they have now reached a stage when it would be idle to hope the country can much longer be governed on the assumption of racial inferiority. Nothing surprises one so much as the light-heartedness with which some Englishmen talk of British rule never becoming popular in India, and the surprise increases when we consider the adulation that is paid to the Colonies. British rule certainly is not popular—that, however, is not the fault of the people; they recognise generally that its permanence is vitally essential to their well-being. But races with a great past behind them can hardly brook to be kept for ever in tutelage, or assent without demur to be stamped permanently with the mark of inferiority. Considering the value of India to England, I think it behoves every Englishman to try to make the rule of England popular, and to evoke that spirit of 'manly comradeship' to which reference was made the other day at Cambridge by a distinguished Anglo-Indian.

As English education advances, as qualified and deserving Indians for the service of the State, according to the present standard, increase in number, and as they understand 'those principles of justice and equity which have made the British constitution an example to the world,' the claim to a larger share of offices of trust and emolument—certainly to a larger recognition of eligibility—will become more insistent. And wise statesmanship and the interests of good government will compel attention to such claim.

In saying this I must not be supposed to advocate the exclusion of Englishmen from any branch of the public service in favour of Indians, for I consider the existence of Englishmen in the different grades of the official hierarchy, apart from any question of efficiency, as conducive to the maintenance of a wholesome influence on the general *morale* of the administration. And it is for this reason that I deprecate the growing depletion of the English element at the Bar in India. But what I do advocate is that Indians of undoubted merit and ability, of integrity and character, should not be debarred from any office under the State; that no place under Government should be regarded as the peculiar monopoly of any race; and that no distinction should be made in the matter of state patronage on racial grounds. The British Government which stands foremost to-day in the profession of the principles of toleration, equity, and justice, should not in their application be behind the former rulers of India. Under the Muslim rule a Hindu could rise to any position in the State; in the chief Muslim principality of modern India a Hindu holds the office of prime minister. The Hindu principality of Jaipur, I understand, employs a Muslim in the same capacity. Turkey and Persia send their Christian subjects as envoys to foreign States. There is no reason why the British Government should allow itself to appear as less liberal or less advanced than any Oriental Government. As regards the unfitness of Indians generally for certain offices, it is one of those convenient theories by which vested interests try to protest themselves from outside invasion. Neither the Indian Government nor the Government at home would be a loser by utilising the services or the counsels of competent Indians.

I have reserved to the last the Muslim question, which, to my mind, forms to-day, as it did twenty-five years ago, by far the most pressing problem of Indian administration. The Muslims constitute without exception one of the most loyal nationalities of India. They feel that their moral and social regeneration, their educational awakening, their material development depend on the stability of British rule. The very circumstance that the British Government is non-Muslim and is consequently obliged to maintain, inspite of a somewhat nervous dread of the so-called 'orthodox' party, a neutral

attitude towards the different sections, is regarded as a strong factor in the advancement of the people. At this moment seventy millions of Muslims acknowledge the sway of His Majesty. In another quarter of a century, at the rate at which their faith is spreading, the number will amount to considerably more. This important community—as history goes probably the most important only a short time ago—has suffered the most under British rule. It has steadily declined in wealth, prosperity, influence, and all the elements which conduce to development and progress, and yet there is no indication of a stop in the process of declension. The causes of this deplorable state of things were traced by me in an article which I contributed to this Review in 1882.[1] On the materials contained in that paper the Central National Muhammadan Association, of which I was secretary at the time, presented in 1883 a memorial to the Indian Government. This memorial was finally dealt with by Lord Dufferin in 1885, and the conclusions arrived at were embodied in a resolution which is regarded by the Muslims of India 'as their Magna Carta.' But class interests in that country are strong; and the Muslim generally is not an adept in the art of ingratiating himself with the official classes. Nor does he possess the means of making his voice heard in powerful quarters. The very fact that he has so far stood aloof from political agitations has caused him a disservice. As a consequence, preferment and honours rarely come his way. Inspite of the progress in English education made within the last quarter of a century, their share of public offices is neither comparable to their numbers nor to their legitimate aspirations. If the Government of India were to insist on a strict compliance on the part of the local authorities with the principles and provisions of Lord Dufferin's resolution, it would contribute to a material improvement in their position.

But the Muslim problem cannot be solved by merely giving them a few more posts under Government. Their ruin as a prosperous and progressive community is due to far deeper causes, and needs far more serious remedies. It began with the confiscations of the Inam Commission in the early part of the nineteenth century; it has been completed by the recent

[1] In the August number. The article was headed 'A Cry from the Indian Muslims.'

pronouncements of British courts of justice upsetting one of their most cherished institutions, which is interwoven with their entire religious and social life, and on which rests the whole fabric of their prosperity as a people.

Under the law of inheritance prevailing among the Muslims the property of a deceased person is liable to be divided among a numerous body of heirs. An unqualified application of this rule would mean the absolute pauperisation, within a short space of time, of Muslim families, and prove utterly subversive of national and individual well-being. No permanent benefaction nor the continued existence of family influence or prestige, without which progress is out of question, would be possible. Accordingly, it was ordained by the Lawgiver of Islam that a Muslim may lawfully 'tie-up' his property, and render it inalienable and non heritable by devoting it to pious purposes, or to use the language of Muslim lawyers, 'by dedicating it to the service of God, so that it may be of beneflt to mankind.' This is the well-kown rule of *waqf*, universally recognised and acted upon throughout the Muslim world. The endower is entitled to designate any pious purpose or purposes to which it may be applied ; and either to constitute himself the trustee or appoint any other person. Now, the Muslim law declares in the most emphatic terms that charity to one's kith and kin is the highest act of merit, and a provision for one's family and decendants, to prevent their falling into indigence, the greatest act of charity. Accordingly, family benefactions, of *wakfs*, providing for the maintenance and support of the donor's decendants, either as the sole beneficiaries or in conjunction with other pious objects, have existed for the last thirteen centuries, and all sects and schools are unanimous in upholding their validity. The institution is traced to the Prophet himself, who created a benefaction for the support of his daughter and her decendants, and is in fact, placed in the same category as a dedication to a mosque. As perpetuity is essential to a lawful *waqf*, when it is made in favour of decendants it is often expressly provided that on their extinction the benefaction would be for the poor. But even when there is no such provision the law presumes that the poor are the ultimate beneficiaries. When the dedication is initially for the maintenance of descendants, provision is invariably made for other pious purposes, such as the support of religious

worship, performance of religious ceremonies, and the upkeep of schools and hospitals. From this it will be seen how utterly uncongenial, if not incomprehensible, the Muslim law of *waqf* must be to an English lawyer. Perpetuity is the essence of a Muslim dedication or *waqf*; perpetuities are abhorred by English law, and any settlement which savours of it is bad on that ground. Charity to kith and kin is the pivot round which revolves the religious and social life of the Muslims, and is one of the most pious of purposes to which he may consecrate his worldly goods. To an ordinary English mind, remembering the phrase 'charity begins at home,' it is a matter of ridicule; and to an English lawyer it has an appearance of fraud.

In India numbers of Muslim families owed to the institution of *waqf* their existence, wealth, and influence which preserved the properties from disintegration and division, and protected them from the hands of money-lenders. They maintained places of worship, supported schools and dispensaries, and afforded material help to Government in times of stress and difficulty.

The validity of family benefactions was accepted by the British courts of justice until recent times, and eminent judges, like Sir Edward Ryan and others, gave it emphatic recognition. But the knowledge or appreciation of Muslim law became rarer and rarer as we approached the eighties, and the fetish of the English rule against perpetuities loomed bigger and bigger in the judicial mind. The money-lender, who sits at the gate of every prosperous family, watched his opportunity; whilst the vakeel saw a rich harvest before him ready for his legal scythe. The younger members of the Muslim family pledged their right of maintenance to the *mahajan*, who, on failure or repayment at the proper time, brought the inevitable action to set aside the dedication, and have the share of the debtor ascertained and sold for his debt.

The High Court considered that, not only was he entitled to his money, but that the benefaction was liable to be set aside as contravening the English rule against prepetuities. The matter came up on appeal, and the Privy Council, differing from the lawyers of Islam, who have upheld the validity of family benefactions for many centuries, considered the Muslim Lawgiver could hardly have intended that a valid dedication could be made

for the endower's descendants under the name of *waqf*, when no charity was in reality contemplated. It is clear that the whole difference arises from the use of the word 'charity' in the English and not in the Muslim sense. The effect of this rule-ing, which has naturally caused great alarm, not to say resentment, throughout Muslim India, has been most disastrous. It has already swept away many Muslim families, whilst the few still intact are in a state of jeopardy. But what is most deplorable is that in pronouncing against family endowments the courts of justice have also invalidated the provisions for auxiliary pious purposes.

The only way out of this *impasse*—the only way in fact by which the further impoverishment and decadence of the Muslim people can be stopped—is for the Legislature, in their interests as well as in the interest of the State, to validate by special enactment this particular branch of the Islamic law, with any provision it may consider expedient to safeguard against fraud. And the statesman who succeeds in placing such a measure on the statute book will be regarded by a nation as the chief instrument of its salvation.

THE NINETEENTH CENTURY,
October, 1905, Vol. LVIII, No. 344. pp. 607 to 620.

INDIA AND THE NEW PARLIAMENT

The Royal visit that has just terminated has probably created a keener interest in the people of India than has been the case at any other period of the history of her connection with England. It seems also to have quickened the sense of duty towards India which lay dormant among the bulk of the nation. This awakening is best evidenced by the attitude of the new House of Commons towards questions affecting India. Hitherto the humour of the general public has been reflected in the appearance of the House on the occasion of a debate on the Indian Budget, by the languid proceedings and the empty benches. If the present interest is of a permanent and abiding character it furnishes a hopeful augury for the future, for, after all, in the words of the late Viceroy, 'the British Parliament is the ultimate custodian of the rights and liberties of India.' The difficulty, however, of obtaining an insight into the inner thoughts and sentiments of the people leads to a slackening of purpose to keep in touch with their needs and requirements, and ends with the feeling that having entrusted the government of her great dependency to a body of experts, England might regard any further responsibility with an easy conscience. To the minds of many it still presents the picture of an easy-going country, run on fixed, generally unalterable lines—the land of pageants and the home of *darbars*—the bulk of whose people, untouched by the changes in the conception of the thinking classes occasioned by the contact of two civilisations—one old and stationary, the other young, active, and utilitarian—bow down before the British official as the *avatar* of progress and prosperity. Unfortunately the picture is not altogether complete; behind the stately shows stands a mass of humanity, ignorant, half-starved, and ill-clothed, eking out a meagre living from the soil, whose yielding moods depend on the vagaries of Nature. To them, no doubt, the acts of Governments and the merits of their rulers, and the many question which agitate the minds of their betters, convey little

-r no meaning. But this apathy or indifference, born of poverty and ignorance, is hardly predicable of all the lower strata of the Indian population. However narrow the horizon, the interest of a large majority in outside affairs is keen. Current events of the village, town, or district are discussed, often with intelligence, always with acuteness; and many of the local incidents frequently become the subject of ballads in which the Indian magnate and the British official are equally held up to ridicule for their different idiosyncrasies, to the amusement of the village gossips.

Seventy years of English education and the gradual diffusions of Western knowledge have created among the more prosperous classes a perception of the responsiblities and obligations of Government, and awakened in them a sense of their rights. However difficult this may make the work of administration, it is hardly possible, even if it were expedient, to alter the current of progress. The great intellectual uprise among the educated sections due to the impact of West and East naturally reacts on the masses. And the spirit of collectivism and organisation which has given birth to so many political and semi-political institutions exercises its legitimate influence. The whole continent, with the exception, perhaps, of tracts inhabited by backward communities, is thus in a state of expectation, eager for development.

In view of the altered conditions it seems essential for the welfare of both countries to maintain a permanency of interest in Parliament and among the public in matters affecting India, and to appreciate so far as possible not only the needs and requirements of the people, but also the aims and aspirations of the literate classes. And one may look to the Indian Parliamentary Committee for help towards educating public opinion on Indian affairs. I may be permitted, however, to observe that it would detract from its influence and usefulness if the Committee were to allow itself to become the mouthpiece of any particular section or class. For it cannot be too often impressed that India is not a homogeneous country inhabited by one race, professing one faith, speaking one language, and animated by one set of ideals. Owing to the un-evenness of progress and the unequal diffusion of English education, some are less articulate than others in giving

expression to their feelings and ideas. Leaving out of consideration the Christians and Parsis, who are comparatively few in number, two great communities, roughly speaking, are in possession of the country. In most instances their interests run on identical lines ; in some they diverge. In these cases it is the duty of the statesman to reconcile conflicting aims and aspirations, to infuse harmony among discordant elements, to keep in view the ultimate fusion of two peoples destined to live side by side. To override the claims of either, to allow the voice of the majority to stifle that of the minority, would be a mistake. English education, instead of drawing together the races of India, has unfortunately drifted them apart, and rendered the task of government much more difficult.

No doubt it is hard for an English official, however able and sympathetic, to ascertain the feelings of the masses, or look at things from the popular point of view so essential to a correct perspective. And the most successful administrator is forced to admit a certain inability to gauge the ideas of even the higher classes. Differences of language, manners, and customs are acknowledged barriers to community of thought and social intercourse. The spread of English education has made no difference, and after a hundred and fifty years of rule in the province first acquired by the British, the gulf that divides the rulers and the ruled is as impassable as ever. Whilst much is expected from the fresh awakening of interest in England, no thinking Indian believes that the transfer of the reins of office from one party to another would appreciably affect the general course of policy towards India. The commanding personality of a particular Minister may to some extent lighten the pressure of official traditions, but the atmosphere remains charged with preconceived theories of racial inequality and the unwisdom of relaxing the bonds of tutelage, whilst the Elder Statesmen view with ill-concealed apprehension any change in the direction of liberalisation.

In grappling, then, with the problems of Indian administration, some essential facts should be borne in mind : the divergence in certain cases between the respective interests of the great Indian nationalities, the growth of nationalism of a somewhat exclusive character in one, the material decadence and political inarticulateness of the other, and the rise of a

comparatively new and important factor independent of either.

Few observers can have failed to notice the preponderant influence which within recent years the non-official European community has acquired over the counsels of the Indian Government. Twenty years ago the opinions of the British Indian Association, the Central Muhammadan Association, and similar bodies in other parts of India were regarded as important auxiliaries to official sources of information. To-day that position is occupied by the Chambers of Commerce. The views of the Bengal Chamber of Commerce, for instance, are received with marked deference; the highest functionaries attend its banquets and expatiate on those occasions on Imperial policy; and each president, on the termination of his service in the Supreme Council, is honoured with a knighthood. The Chamber, guided by able leaders, is no doubt a source of strength to the Government; its pronouncement on public questions are generally characterised by breadth of vision and foresight. But instances are not wanting when its views have been distinctly out of harmony with the feelings of large sections of the indian people.

Hindu nationalism is at present running in two channels, which it is not at all unlikely might, under stress of circumstances, coalesce at any moment. The Bharata Dharma Mandal, a purely indigenous growth, the outcome of genuine Hinduism, proclaims for its object 'the regeneration of India' on strictly orthodox and conservative lines. The singificance of this movement will be understood from the fact that almost without exception the ruling Hindu chiefs, the *Jagatgurus*, and *Mahants* of the great temples, and the leading priests of the Sikhs, are said to be its 'warm supporters.' The Calcutta *Englishman* sees in the Bharata Dharma Mandal a counterpoise to the National Congress. 'The innate conservatism of the country,' it adds, 'when organised as it is being organised in this thoroughly representative Association, will undoubtedly be a great social and political power.' So it may: what the ultimate tendency will be remains to be seen.

The National Congress, on the other hand, owes its organisation to an Anglo-Indian official long retired from the public service. It is the exponent of the aims and aspirations that have come into being under the influence of Western education.

The chief objection on the part of the Muslims to make common cause with 'the National Congress' is based on the conviction that tied to the wheels of the Juggernauth of majority they would in the end be crushed out of the semblance of nationality.

Whilst the non-official Anglo-Indian and the Hindu communities possess powerful institutions for safeguarding their rights and privileges and asserting their claims to consideration and fair play, the Indian Muslims are suffering acutely from political inanition. Material decadence and general want of touch with modern thought have brought about a deplorable state of disintegration. The associations that exist in different parts of the country possess no solidarity and display no conception of the essential requirements of the community. There is no concerted action to prevent the further decline of their people, to promote their advancement, to place before Government their considered views on public matters, or to obtain relief from the mischiefs arising from the misunderstanding of their laws and customs.

To find one nationality not pressing its claims to an equal recognition of its rights is undoubtedly an advantage; it saves embarrassment. Thus, generally speaking, the Muslim, whilst he is patted on the back for holding aloof from what is called 'political agitation', and told to apply himself like a good boy to his books, when it comes to practical treatment is relegated to the cold shade of neglect. Official statistics show that in Upper India the proportion of Muslims receiving education is greater than that of their Hindu fellow-subjects. In the other provinces they have admittedly made great progress. And yet in the matter of public employment or official recognition they are as unfavourably situated as ever. The reason is simple—they have no political influence, and cannot make their voice properly heard in the council-chamber or office-room.

It must not be supposed, however, that the Muslims are devoid of the political instinct or oblivious of the value of collective action. They note as keenly as any other people the signs of the times. And in this lies the seriousness of the situation. In the absence of a recognised organisation, capable of expressing freely and openly the sentiments and opinions of the Muslims as a body, the feelings of the masses are likely to take a wrong shape and find outlet through unregulated channels.

Lord Ampthill, in his reply to a valedictory address from the Muslims of Madras, told them in so many words that as a people they were 'not pushing enough.' 'I think,' he went on to say, 'that it is your greatest fault, and it is also one of your greatest virtues. Most of you are in many respects, most respects, far too modest. You do not push yourselves enough, you do not ask enough, and you do not show yourselvese forward enough.' 'Pushfulness, to use a newly coined pharase,' he added, 'can become a fault if it is carried to extremes. But this is an age when everybody is on the alert and active, and it does not do for the Muslim community to remain in the background or to keep silence.' Here is the best advice for unity of action and purpose.[1]

Whilst each nationality has its special interest and special points of view, there are many questions on which the unanimity is singular and noteworthy. One of these is the relation *inter se* of the two divisions of the Civil Administration, the Judicial and the Executive.

A contest similar to the one recently settled by the new Government in favour of the supremacy of the civil power has existed for years past between these two branches of the public service, in which one has been gaining in prestige and authority to the detriment of the other.

The administration of justice in India supplies to British rule an incontestable claim to the loyalty of the people ; and policy likely to detract from the status of the judiciary damages the credit of the Government. Instead of maintaining intact its prestige, the tendency, however, has been in the contrary direction. Formerly the district judge occupied a position of pre-eminence in his district. To-day he is completely obscured by the executive officer. In the Mofussil, as the tract outside the Presidency Towns is called, the subordinate judicial officers scarcely receive, according to their account, anything like the consideration extended to their executive brethren. In the superior courts the salary of the judges[2] has been reduced and

[1] It may be said that I have overlooked the educational activity of the Muslims of the North-West. Far be it from me to discount the life that stirs there or in Bengal. But it is my firm conviction that the community which fails to grasp the political situation or lacks the vigour or 'pushfulness' to claim its constitutional rights must, in the long-run, go to the wall.

[2] 13 Geo. III. cap. cxiii. fixed the pay of a puisne judge of the

their precedence in the official hierarchy lowered, whilst, with the evident object of impressing the Indian public, no measure has been neglected to exalt the dignity of the Executive.

Of the courts in India established by Royal Charter the only one which is not subordinate to the Provincial Government is the High Court of Judicature in Bengal; and its independence has been a fruitful source of friction, but the attempts to curtail its jurisdiction have, so far been frustrated by the force of public opinion. The mischievous consequences of any tempering with the powers of the superior courts are obvious, and are appreciated by no public body more than the Anglo-Indian Chambers of Commerce and the Trades Associations, whose plain-spoken utterances have been invaluable to the public interests.

This brings me to another of the subjects on which there seems to be absolute agreement. One of the anomalies of British administration in India is the combination, even in advanced tracts, in one and the same individual of two distinctly contradictory jurisdictions—the Executive and Judicial. In some parts of the country it is to the advantage of the people that the executive officer should also exercise the functions of a judge, but in provinces like Bengal, Madras, Bombay, the United Provinces, and parts of the Punjab, the system is not only out of harmony with the spirit of the times, but mischievous and irritating, unfair to the officers themselves, and occasioning great hardships to suitors. Apart from the question whether it is right in principle to give to the magistrate who is charged with the preservation of peace and security in a particular locality the power of deciding criminal cases, or to the revenue collector the determination of revenue disputes between the subject and the Crown, there is the further consideration—does not the system interfere with the efficient discharge of either function?

I will give just one instance of how harshly the combination of the two powers in one and the same person works in practice. A criminal case was fixed for trial at the chief town of the district (the Sadar station) on a particular day before the principal magistrate. The defendant duly appeared, but

Supreme Court of Judicature at Fort William, in Bengal, at £6,000, a year; was reduced later on to £5,000; now it is barely £32,00!

found to his dismay the official had left on tour, fixing the case for another day at anonther place at a considerable distance from the Sadar station. The defendant proceeded to the latter place, only to find that the magistrate had moved on to another camp. This time the defendant could not put in an appearance on the day fixed, and a warrant was issued for his arrest. On an application to the High Court the case was transferred for trial by another officer at the Sadar station. In his explanation the magistrate submitted that in discharge of his executive duties he had to move about the district. His court was thus as ambulatory as his office !

In this connection the question may appropriately be asked, would it not be in the public interest to do away entirely with the judicial powers of the Divisional Commissioners and the Boards of Revenue in questions arising under the revenue laws, and leave these to the decision of the ordinary courts of justice ?

A wider application of the principles of local self-government, a larger recognition of the eligibility of Indians for the higher branches of State service, the expediency of opening the Indian Army as a profession to the sons of the Indian gentry, and of 'settling' to use the words of a learned Hindu judge, 'the judicial administration of the country on the sounder basis of the consent and approbation of the people to whom the law is administered'[1] are questions which must sooner or later engage the serious attention of the statesmen into whose hands the destinies of India are confided.

The management of local affairs by the people themselves is not a British introduction in India. It has been in existence from early times, and was in force under the Muslim rulers to a far greater extent than English writers are apt to suppose. Municipal government, even in England, is attended with mistakes ; in India they were to be expected. A sympathetic, tactful, and at the same time firm treatment would, instead of marking failure, have led to success. It would have made the respectable sections understand the responsibilities of trust, imparted self-reliance, and trained them to a larger perception of duty as citizens of a great Empire.

It has been sometimes asserted that Indians are unfit for

[1]Justice Mitra in the *Law Quarterly Review*, January 1906.

certain offices, and that in certain positions they would not receive the same obedience or deference as Englishmen. This is partly a survival of the old idea which led the East India Company, at the commencement of its rule, to exclude Indians from all share in the Government of the country. Since those days the conception of inequality has become considerably modified. The fitness of Indians for the highest judicial appointments is acknowledged. As regards the inability of members of the virile races of India to command obedience or exact deference, the facts of history disprove the selfish theory. Only this must be remembered ; in every country the amount of respect shown to an officer depends upon the consideration in which he is held by his superiors, for the people take him at Government valuation.

What is the reason which closes the Indian Army, as a profession, to the sons of the Indian gentry ? The formation of the Imperial Cadet Corps has been rightly treated as a wise piece of statesmanship. It has supplied the scions of princely families with the means not only of learning the value of discipline, but also of indulging a natural taste for pomp and pageantry. The professions of law and medicine are becoming more and more crowded ; trade and commerce among the nationalities which possess no commercial aptitude are uncongenial pursuits. In former days much of the energy and activity of the higher classes found occupation and employment in a military career. British policy, by debarring, as a rule, the sons of gentlemen from making the army a profession excepting through the ranks, is slowly emasculating the virile races of India ; instead of making their military predilections a source of strength, it is driving them into unworthy and unhealthy, not to say dangerous, channels. If after one hundred and fifty years' dominance the British Government cannot open the army as a profession to properly selected members of good families, it implies a stupendous confession of weakness.

The strength of a Government consists not only in the confidence of the people in the purity of judicial administration, but also in its efficiency. The British Government, at the very commencement of its ascendency in India, assured to the inhabitants by a solemn Act of Parliament the full enjoyment of their laws, customs, and privileges. The preamble to 21

Geo. III, cap. 70 contains one of the most important declarations of policy, the faithful observance of which is the keystone to the whole fabric of the Indian Empire of England.

After reciting that owing to the 'doubts and difficulties which had arisen concerning the true intent and meaning of certain clauses and provisions' of the previous Act (13 Geo. III.), the minds of many inhabitants subject to the Governor-General in Council' 'have been disquieted with fears and apprehensions, and further mischiefs may possibly arise from the said misunderstandings and discontents if a reasonable and suitable remedy be not provided; and where as it is expedient ....that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges,' it proceeded to enact that all actions and suits in the Supreme Court of Judicature at Fort William, in Bengal, 'in the case of Muslims shall be determined by the laws and usages of Muslims and in the case of Gentus by the laws and usages of the Gentus.'

This principle, in a somewhat amplified form, was extended by 37 Geo. III. cap. ii. to the Supreme Courts of Madras and Bombay. And in 1793 the local Legislature made the rule applicable to the Mofussil of the Bengal Presidency.[1]

Sir Roland Wilson, in the January number of this Review, criticising an article of mine entitled 'An Indian Retrospect and Some Comments,'[2] has made the following somewhat extraordinary observation: 'In truth', the whole question of administering Muslim law in British India is purely one of public policy. The Government is absolutely unhampered by anything in the nature of a pledge on the subject.' I am afraid the provisions of the statutes to which I have referred must have escaped his notice. The people of India justly regard these repeated declarations of the Legislature as a binding pledge, securing to them the absolute enjoyment of their laws and customs, so long as they were not opposed to any positive enactment or public morality. It must be a surprise to them to be told by an eminent theoretical lawyer of Sir Roland Wilson's standing that the pledge is no pledge.

Whatever may have been the demerits of East India Com-

[1] Reg. IV. of 1793, s. 15.

[2] *Nineteenth Century and After*, October 1905.

pany, thus much stands to its credits, that it loyally endeavoured to give effect to the policy of the Legislature. It supplied to the courts of justice the best available means for the ascertainment of the laws and usages they had to administer. Hindu and Muslim law officers were attached to every court, whose duty it was to explain to the judge, whenever called upon to do so, the law applicable to the particular case. One instance will show the remarkable care with which the law was administered in the Supreme Court of Bengal. In a case of *waqf*, tried in 1839 before Ryan, C. J., and two other judges, the law officers were required to give their opinion on certain questions propounded by the Court, with full references to the authorities and the texts on which they based their answers; those texts were then compared and translated by the sworn interpreters of the court and submitted to the judges, who based their conclusion not only on the opinions of the law officers, but also on the original texts.

The system continued in force for some years after the Crown assumed the sovereignty of India. But with the establishment of the High Courts a change came over the spirit of the administration. The law officers were abolished in 1864, and from that time every English judge has tried to ascertain the 'laws and usages' of the people as best he could. It is not for me to say how the Hindu law has been administered since the abolition of the learned pandits who assisted the courts with their legal expositions (*Vyvashtas*). But it will be generally admitted that the Hindu community has always occupied a singularly fortunate position in this respect. Works on Hindu law were rendered into English at a very early stage of the British rule; and Hindu judges have presided in the superior courts for a long time past. Unfortunately the Muslims have not possessed the same advantages. In Algeria, the French Government, so soon as it acquired the country, set itself to the task of having the most authoritative work on Muslim law in force in Northern Africa translated, under official authority, into French. Even the Dutch in Java have pursued the same course. And the translations by Perron and Du Berg are standing monuments, not only of patient industry, but also of deep interest and generosity on the part of the respective Governments.

Of the innumerable works on the law in force among the Indian Muslims, only one old recondite treatise, the *Hedaya*, was in the time of Warren Hastings, translated into English from a Persian rendering. Many of its doctrines, or rather expositions are long since exploded, for the laws of the Muslims have undergone the same process of development as every other system of jurisprudence; and yet they are regarded by non-Muslim writers as binding rules. Muslim law, it must not be forgotten, is a vast and difficult science; to comprehend its principles, it is necessary to have some conception of the rules of exegesis recognised by Muslim jurists, and to follow its course of development so as to distinguish between the obsolete doctrines and those now in force – for although the primary rules are to be found in the Quran, or in the sayings and the acts of the Arabian Prophet, the grand superstructure of Muslim jurisprudence is built on the interpretation and expositions of successive jurists and lawyers of acknowledged authority.

Until a few years ago the translation of the *Hedaya* and two or three non-official compilations by men who were not lawyers themselves, formed the sole stock of Muslim law in the English language. Under such circumstances, with the disappearance of the law officers, the inquiry into Muslim law and usages became a task of unusual difficulty, and its principles began to be interpreted with the gloss of English and Hindu laws. How this method of treatment has led to the ruin and disruption of Muslim families has already been discussed by me.[1] Sir Roland Wilson, in his criticism of my remarks on the Muslim institution of benefactions (*waqfs*) for the support of families, admits that the courts of justice have done 'a wrong' in declaring against the validity of such benefactions, 'though unintentionally and as the result of quite excusable ignorance.' I have never suggested that the mistake which has resulted so disastrously to the Muslim community was 'intentional'; whether it could have been avoided, or whether the 'ignorance' to which the writer alludes was excusable, are questions I will not enter into. Nor is the period during which this particular rule has been in force relevent to the discussion; if it is the recognised law among the Muslims, as my critic admits, the courts of justice are bound under legislative pledges to administer it.

[1] *Nineteenth Century and After*, October 1905.

As a matter of fact, however, the origin of the rule, by the consensus of Muslim lawyers from the earliest times, is found in the direct prescription of the Lawgiver of Islam.

But Sir Roland Wilson has put forward two propositions on which he contends that the suggestion I ventured to make should not be entertained by the Legislature. His first contention amounts to this: as the same rule against perpetuities which has been applied to Muslim *waqfs* has been dealt out to Hindu entails without any injury to the Hindu community (which is a pure assumption), there is no reason why it should act prejudicially to the Muslims. Even if it were resumed, as Sir Roland assumes, that the Hindus have not been injuriously affected by the English rule against perpetuities, two facts, which are absolutely essential to a proper consideration of the matter in relation to the Muslims, must be carefully borne in mind. In the first place, the Hindu settlements dealt with in the cases referred to by Sir Roland Wilson were creations of the English system, for in Hindu law, pure and simple, there is no principle analogous to the Muslim law respecting family benefactions. And the British courts in deciding against such attempts to create secular prepetuities were not overriding an express rule of Hindu law. In pronouncing against the validity of Muslim family trusts, they acted indirect opposition to Muslim law. In the second place, under the Hindu law, females take no share in the inheritance or only acquire an interest in the absence of male issue. Under the Muslim law women share in the inheritance; and in every case of intestacy the estate of a deceased person is split up among numerous heirs. Again, the Hindu joint family system, which does not prevail among the Muslims, is a great preservative of property even after division. Hence the only method of keeping the family together and preventing general pauperisation lay in the strict observance of the rule of *waqf* sanctioned by the Lawgiver.

Sir Roland's second contention is summed up in the question which he propounds in these words: 'Why should the substitution of presumably more efficient for less efficient landowners be described as a process of destruction ?' From this passage it is evident that the learned critics has missed my argument; he has, in fact, mixed up two distinct propositions very remotely connected with each other, founded on two different

sets of considerations. One related to the expediency of some check on the constant transfer of land in various parts of India, which paralysed all desire of improvement; the other to the necessity of preventing the further destruction of families whose existence was of public benefit, and added to the contentment of the people. In his criticism Sir Roland has involved himself in a long discussion of abstract economic principles, the application of which, even if they were entirely correct, must depend on the circumstances of the country and the condition of the inhabitants. It is impossible, for me in the space at my command to traverse the ground of political economy cover d by him. I will only observe that in India, as is generally recognised, the legal system, with its somewhat narrow cannons of interpretation, affords no stability to the propertied classes, and the feeling of insecurity it engenders supplies no incentive to development or progress. In the public interests I had advocated some legislative measure to protect the landowning classes from the toils of the *mahajan*, who could only by a stretch of imagination be called an 'efficient' landlord. As regards the destruction of *waqf* estates, there is not even that shadow of pretence. They have been brought to the hammer, not because the trustee were 'inefficient,' but because the Courts misunderstood the law. These estates were almost without exception well managed, the tenantry were fairly looked after, the charities were properly administered, and in times of disturbance the State was assisted in the way required.

The principal English journal in Bengal, in its issue of the 7th of February, had some trenchant observations on Sir Roland Wilson's economic theories. Referring to the question quoted above, it says:

> An excellent economic dictum, but one which suggests that Sir Roland Wilson, of Delhi, inspite of his extensive knowledge of Indian law and his publications on Anglo-Muslim law, has not a very close acquaintance with the hard facts of agrarian and social conditions in India. If it is in the public interest that important landed families should be dispossessed by 'efficient' money-lenders, it becomes difficult to argue against the proposition that the displacement of millions of peasant proprietors is also a national boon. Anyone who

took up this position, however, and endeavoured seriously to maintain it, would find himself in a minority of one among all the writers and thinkers on the land question. Alike from the social and political standpoint is the growth of a helot class deprecated, and Sir Roland Wilson, by his pitiless adherence to theory of the survival of the fittest, raises grave doubts as to his eligibility to discuss the question from any but a strictly theoretical standpoint.

With regard to the statement that the necessity for legislative action was not felt by the Muslims as a body, but was simply my *ipse dixit*, the attitude of the Muslims all over Northern India furnishes a conclusive reply. The Central National Muhammadan Association, in its address of welcome to Lord Minto, pointedly referred to subject as one of the burning questions of the day, the solution of which was vital to Muslim prosperity and advancement. In Burma an association has just been formed for the preservation and protection of Muslim *waqfs*, which has been incorporated under the Indian Company's Act. In the United Provinces and the Punjab, similar steps are in progress; and the general sentiment, regarding which Sir Roland Wilson entertains philosophic doubts, is expressed in strong and unmistakable words by such leading organs of Muslim opinion as the *Observer* and the *Paisa Akhbar* of Lahore. [1]

Apart from every other consideration, it would be a mistake, I submit, to neglect the feeling that has been aroused among the Indian Muslims by the practical destruction of one of their cherished institutions, with which a great part of their religous and social life is bound up.

But their complaint is not confined to this particular question; they allege, it will be seen presently not without some justification, that the humanity which has been extended to one class of people is denied to them.

In India Christianity and Islam are the only two religions

[1] Sir Roland Wilson's reference to the Dead Hand shows that he has failed to grasp the spirit of the law of *waqf*. The Statute of Mortmain was directed against the conveyance of properties to religious uses to the detriment of society, and this gave birth to the present rule against perpetuities. The Muslim law seeks to prevent the frittering away of individual resources, which constitute national wealth, and aims at the conservation of property in capable hands for public benefit.

which draw adherents from other creeds, and conversions to the Faith of Muhammad are generally as sincere as to Christianity. In the Hindu system, from which most of the converts are drawn, under no circumstances whatever can the marriage-tie be dissolved in the lifetime of the parties ; there may be the most congent reasons, physical or moral, for putting an end the relationship, the law allows no relief in the shape of a divorce or a dissolution of the marriage. However commendable such a view may be from a certain standpoint, in practice it is often disastrous. The wife who abjures her old cult and adopts another faith becomes an absolute outcaste ; her presence in the domestic circle is pollution. The husband who keeps to the worship of his ancient gods may not have any relations with her ; if he does, he subjects himself to the same penalties. For the wife there is no release. The hardship of such a rule was appreciated by the British Indian Legislature, and in 1861 an Act[1] was passed 'to legalise under certain circumstances the dissolution of marriages of native converts to Christianity.' It provided that when one of the married parties adopted Christianity, and the other on the ground refused conjugal rights, the convert might sue for restitution ; and in case of persistence in the refusal the courts were authorised to dissolve the marriage. The Muslims contend that the same humanity should be extended to converts to their Faith. As matters stand at present the adoption of Islam involves the greatest risks. Thus the woman who renounces Hinduism for the religion of Muhammad, say from the sincerest conviction, may drag on a degraded existence as an outcaste, or lead a life of prostitution ; but she may never obtain a release in life from the tie of marriage. If she contracts a legal union in accordance with her new Faith, she subjects herself to punishment for bigamy, and her Muslim husband to the penalties of adultery.[2] If she has issue by her second marriage, the court brands them as bastards.

Missionary activity has begun to introduce into the relations of family life an element of difficulty which is aggravated in the case of Muslims by a misreading of their law. The ancient Muslim jurists maintained that when a Muslim wife abjured Islam and adopted a Scriptural faith like Judaism or Christianity

[1] The Dissolution of Native Converts' Marriages Act (xxi. of 1861).

[2] The maximum punishment for which is two years' hard labour, with or without fine, which may extend to 1,000 rupees.

the marriage became *ipse facto* dissolved.[1] According to the modern jurists whose authority is recognised in India, the marriage remains intact. The British Indian courts have, it seems, chosen to follow the old doctrine even where the husband was anxious to maintain the relationship. The unnecessary disruption of domestic peace is naturally regarded as a grievance.

These are some of the problems which, as they do not lie on the surface, may escape notice in the stress of administration. But their importance is great, as they concern the sentiments of the people towards a foreign rule. A particular question may appear to have a special character as affecting one nationality alone, and yet its consequences may be far-reaching, for the relations of the different civilised nationalities of India are so closely connected that the feelings of one react on the other.

THE NINETEENTH CENTURY
August, 1906, Vol. LX– No, 254 pp. 254-267.

[1] This refers to the Sunny sect, to which the bulk of the Muslims in India belong.

DAWN OF A NEW POLICY IN INDIA

Since the notable Resolution issued twenty-one years ago by Lord Dufferin on the memorial of the Central National Muhammadan Association no more important declaration of policy has emanated from the head of the Indian Government than the reply of the Viceroy to the Muslim Deputation that waited on him at Simla on the 1st of October. For although Lord Minto spoke with a certain reserve, which was only natural under the circumstances, there can hardly be any question his words indicate the general attitude of his Government towards the Muslims of India. Apart from its importance as a political pronouncement, it shows a clear appreciation of the existing situation and the growing difficulties of British administration, helped by its own extraordinary tendency to lean more or less exclusively on one element in the work of government. It shows, further, that the State begins to realise its responsibility towards the Muslim people and the unwisdom of overlooking their interests in the multiplicity of claims pressed upon its attention with unvarying persistency by more articulate sections of the Indian nationalities. Hitherto, according to general Muslim opinion, the eyes of Government—with a short interlude—have been fixed on one class. Lord Minto's tactful and sympathetic reply bids them hope for a change.

The resolve of the Muslims, after a lapse of twenty-three years, again to approach the Viceroy personally points to a consciousness of the danger that lies before them, if they remain dormant and devoid of political life and activity much longer, of becoming entirely submerged under the rising tide of an exclusive nationalism.

The Deputation is the first concerted action on their part, conceived in a constitutional spirit without implying offence to any other people, to assert their rights to equitable treatment as subjects of a common sovereign—a treatment which certainly from their point of view has so far not been extended to them.

Not that the necessity for such united action did not present itself to them before; for, as early as 1882, it was perceived by the more thoughtful that the course events were taking rendered some collective effort to safeguard their interests absolutely essential. The increasing preponderance of the majority in all departments of the State, the indifference, not to say intolerance, of the official classes towards Muslim needs and wishes, their own disintegration in some parts, and political inaction everywhere, had almost completely driven them into the background. Although in Upper India the conflict of special interests had not assumed an overt shape, the subsequent controversy about the Urdu language and character, decided by Sir Anthony MacDonell against the Muslims, showed that even there the balance required adjustment.

To obtain some amelioration of the situation, a scheme was set on foot for holding in Calcutta and other principal cities of India annual conferences of representative delegates to discuss questions affecting the material and educational and development of the Muslim community under the auspices of the British Crown, to advise Government as occasion arose with regard to their needs and requirements, and to give it every assistance in the promotion of the general well-being. Such conferences were not meant to be in any sense exclusive or antagonistic to any other community, but were rather to work in conjunction with other organisations in the advancement of national welfare. The scheme came to naught, owing to the opposition of some leading Muslims, whose eyes were fixed in a different direction. Two years later came the 'National Congress,' which, by a rigorous propaganda and the free use of the methods commonly called 'political agitation,' has acquired a remarkable, although perhaps unacknowledged, ascendancy in the counsels of Government. In this it has been greatly assisted by outside help, which has always been denied to the Muslims. This denial of sympathy and support to the Muslims is due, perhaps, as much to a bias against their religion as to the general lack of the talent to ingratiate themselves with people of influence, whether officials or travelling philanthropists.

Besides the Bharata Dharma Mandal, which ostentatiously proclaims for its object the regeneration of India on strictly

orthodox lines, the 'National Congress' is the most active organisation for giving expression to the vast aims and aspirations of the majority. Its sphere of activity is widening in every direction ; it keeps at arm's length uncongenial elements, and suppresses dissent within and unfriendly criticism outside by boycott and denunciations. The goal of the 'Moderates' and 'Extremists,' into which it has been divided by recent political writers, is the same, only the method of reaching it is different.

These remarks are conceived in no unfriendly spirit, for I admire the ability and consistency of purpose which have enabled its leaders to attain its present success and solidarity.

A few Muslims have thrown in their lot with the Congress ; and, although they have exposed themselves to some ridicule, their motives are intelligible and not unreasonable. They believe a few scraps to be better than none, and think that under an avowed *regime* of the majority they would have a far better chance than now of sharing in the proverbial 'loaves and fishes'. But so far the bulk throughout the country have held aloof. They have pinned their faith on the permanence of British rule in India as the only means under present conditions of her continuous development,—as the only means to present anarchy within or invasion from outside.

Their attitude has been influenced not so much by the exhortations or advice of any particular individual as by the general consciousness that without any positive safeguarding guarantee—which, in view of the exclusive spirit that had sprung up in many quarters, *malgre* the protestations at the top, it was impossible to obtain—the interests of the minority were sure to go under. They felt that their interests were certain to be relegated to the background, to be treated as of no consequence compared to those of the majority. And this is the view which the Muslim memorial reflects.

In a State organism principally consisting of two distinct elements, one strong by its number and the general intelligence, ability, and political consciousness of its educated sections, the other virile, animated by those traditions of power and learning which impart backbone to a nation, equally intelligent but lacking the ready aptitude of adaptation and backward in the spirit of organization and 'pushfulness', the Government has

chosen to leave the less practically active element neglected and depressed. Whether this policy has brought it any streng'h or earned the gratitude of either party the future historian of India will be able to answer.

By an irony of fate the necessity for a constitutional movement on the part of the Muslims to obtain in some measure a restoration of the balance seems at this juncture to be appreciated most at Aligarh. It has taken a quarter of a century to enforce the lesson that, even under fairly progressive Governments, in the struggle for existence and race for progress, no nationality can allow itself to be lulled into sleep without facing the defeat which overtook the hare in the old-world fable.

Barely two months ago I noted in this Review[1] the peculiarly difficult position occupied by the Muslim subjects of his Majesty:

> Whilst the non-official Anglo-Indian and the Hindu communites possess powerful institutions for sefeguarding their rights and privileges and asserting their claims to consideration and fair play, the Indian Muslims are suffering acutely from political inanition. Material decadence and general want of touch with modern thought have brought about a deplorable state of disintegration. The associations that exist in different parts of the country possess no solidarity and display no conception of the essential requirements of the community. There is no concerted action to prevent further decline of their people, to promote their advancement, to place before Government their considered views on public matters, or to obtain relief from the mischiefs arising from the misunderstanding of their laws and customs.

> To find one nationality not pressing its claims to an equal recognition of its rights is undoubtedly an advantage; it saves embarrassment. Thus, generally speaking, the Muslims whilst he is patted on the back for holding aloof from what is called 'political agitation', and told to apply himself like a good boy to his books, when it comes to practical treatment is relegated to the

[1] August, 1906, 'India and the New Parliament'

> cold shade of neglect. Official statistics show that in Upper India the proportion of Muslims receiving education is greater than that of their Hindu fellow-subjects. In the other provinces they have admittedly made great progress. And yet in the matter of public employment or official recognition they are as unfavourably situated as ever. The reason is simple. They have no political influence, and cannot make their voice properly heard in the council-chamber or office-room.

And I ventured to add:

> It must not be supposed that the Muslims are devoid of political instinct or oblivious of the value of collective action. They note as keenly as any other people the signs of the times; and in this lies the seriousness of the situation. In the absence of a recognised organisation capable of expressing freely and openly the sentiments and opinions of the Muslims as a body, the feelings of the masses are likely to take a wrong shape and find outlet through unregulated channels.

In studiously moderate language the memorialists have sounded a similar note of warning:

> The Muslims of India [they say] have hitherto placed implicit reliance on the sense of justice and love of fair dealing that has always characterised their rulers, and have in consequence abstained from pressing their claims by methods that might prove at all embarrassing; but, earnestly as we desire that the Muslims of India should not in the future depart from that excellent and time honoured tradition, recent events have stirred up feelings, especially among the younger generation of Muslims, which might, in certain circumstances and under certain contingencies, easily pass beyond the control of temperate counsel and sober guidance.

Inspite of the bogey of Pan-Islamism, conjured up by fevered brains, which is responsible for much wild talk in the public press of England and France, the perspective of Anglo-Indians, officials and non-officials, as regards Muslims, has considerably altered within recent years. They are regarded

now as one of the most loyal nationalities of India; in fact, their loyalty has come to be recognised as one of the 'bulwarks' of the British Empire. It is felt that to neglect any longer a people which, by its self-control under the most trying circumstances, has shown itself worthy of help and support, would be equally unjust and impolitic.

At this moment a Commission, appointed by the Viceroy at the invitation of His Majesty's Secretary of State, is deliberating over certain proposals to afford a larger scope for the employment of qualified Indians in the higher departments of State service, to further enlarge the Legislative Councils, and to extend the principle of election. All these subjects are admittedly of the utmost importance to the Indian Muslims. To have missed the opportunity of representing the Muslim side of the question would have been fatal. For no thoughtful Indian, whatever his politics, can believe that the progress of India can be promoted by depressing or keeping in the background one nationality in favour of another.

The memorial presented by the Deputation, although it omits to notice one or two points, expresses in moderate and dignified language the views and feelings of the Muslim people with respect to the questions before the Commission. Neither their moderation nor their self-restraint will spare the memorialists from the sectional indignation to which all attempts to seek justice for another body are exposed. But the prayers are so well-founded and legitimate that they cannot fail to command the approval and sympathy of every class interested in the welfare of India.

The memorial presents for the consideration of Government two questions, *viz.* (1) the employment of the Muslims in the service of the State; and (2) their representation on the Provincial and Viceregal Councils, on the Municipal and Local Boards, and on the Senates and Syndicates of the Indian Universities. With regard to the first they say:

> We beg to observe that the political importance of a community to a considerable extent gains strength or suffers detriment according to the position the members of that community occupy in the service of the State. If, as it is unfortunately the case with the Muslims, they are not adequately represented in this manner, they lose in the prestige and influence which are justly

their due. We therefore pray that Government will be graciously pleased to provide, that both in the gazetted and the subordinate and ministerial services of all Indian provinces, a due proportion of Muslims should always find place. Orders of like import have, at times, been issued by local governments in some provinces, but have, unfortunately, not in all cases been strictly enforced, on the ground that qualified Muslims were not forth coming. This allegation, however true it may have been at one time, is no longer tenable now; and wherever the will to employ them is not wanting the supply of qualified Muslims, we are happy to be able to assure your Excellency, is greater than any possible demand. Since, however, the number of qualified Muslims has increased a tendency is unfortunately perceptible to reject them on the ground of relatively superior qualifications having to be given precedence. This introduces something like the competitive element in its worst form, and we may be permitted to draw your Excellency's attention to the political significance of the monopoly of all official influence by one class. We may also point out in this connection that the efforts of Muslims educationists have from the very outset of the education movement among them been strenuously directed towards the development of character, and this, we venture to think, is of greater importance than mere mental alertness in the making of a good public servant.

To understand the exact import of this prayer it would be necessary to glance for a moment at the actual position of the Muslim element in the various branches of the public service.

Up to the time of Lord William Bentinck, the philanthropic Governor-General who desired to pull down the Taj at Agra, the balance between the two great nationalities was fairly even. Perhaps it inclined somewhat in favour of the Muslims. The East India Company had obtained from a Muslim emperor the functions of collecting the revenue of Bengal, Bihar, and Orissa; and, although many changes had been introduced since

than in the administration affecting the position of the Muslims, the tradition was still maintained that, in view of the compact of 1765, they were entitled to more liberal consideration than any other community. From 1828 the attitude of Government underwent a change. The result was a gradual depletion of the Muslim element in all branches of the public service open to Indians. In 1871 the proportion of Muslims to their Hindu compatriots in what is called the gazetted appointments was less than one-seventh ; in 1882 it had fallen below one-tenth !

As regards the lower grades the distribution of State patronage bore an extraordinary character. A few figures taken at random will illustrate this observation In the Foreign Office staff, consisting of 54 officers, only one was a Muslim. The same was the case in Home Department staff composed of 63 officers. In the Departments of Finance and Revenue, formed of 75 officers, in the Comptroller-General's office, with a staff of 63 officers, in the office of the Secretary to the Government of Bengal (General and Revenue Department), with a staff of 90 officers of a superior grade, in the Judicial, Political and Appointment Departments, composed of 82 officers, in the office of the Accountant-General of Bengal, with 181 officers, not a single Muslim enjoyed office. In the Board of Revenue, with 113 assistants, only one was a Muslim. Similarly in the office of the Inspector-General of Registration in Bengal there was only one. In the Customs Department, with a staff of 130 principal officers and assistants, the Muslims were conspicuous by their absence from the muster roll. In the Preventive Department, in the Calcutta Collectorate, in the office of the Director General of Post-Offices in India there was not a single Muslim. In the Postal Department, out of 2,035 officers, only 110 were Muslims. In the Telegraph and the Public Works Departments none. Out of 421 officers in the Department of Public Instruction only 38 were Muslims. In the High Court of Calcutta, out of 298 officers, only 47 ; and in the Calcutta Court of Small Causes, out of 27 ministerial officers only one was a Muslim.

In the Eastern districts of Bengal—*viz.*, Faridpur, Pabna, Mymensingh, Rajshahi, Chittagong, Midnapur, Rangpore, &c. —the Muslim population is considerably larger than the Hindu,

in some places forming two-thirds at least of the population. In the Faridpur district in 1882 out of total of 366 Government employees only 30 were Muslims. In Mymensingh, out of 344, only 20 were Muslims. In Midnapore, out of 499, only 39; in Pabna, out of 205, only 26 ; in Rajshahi, out of 338, only 57 ; and in Barisal, out of 423, not more than 36 belonged to the Muslim community.

Since then English education has advanced by 'leaps and bounds' among the Indian Muslims ; it would be interesting and edifying to know how, after twenty-one years' working of Lord Dufferin's Resolution, the proportion stands to-day. The official list, which gives the names only of office-holders in the superior grades, is instructive. In the Provincial Service to which appointments are invariably made in India, out of 42 subordinate judges in Bengal, only one, so far as I can see, is a Muslim.[1] Out of 75 deputy magistrates in the first four grades, 13 are Muslims. In Eastern Bengal, among the 10 subordinate judges, not one is a Muslim ; out of 19 deputy magistrate in the second, third, and fourth grades, only one is a Muslim. In the first grade there is not one.

In 1882, out of 261 Munsifs, who rank below the subordinate judges, 14 were Muslims. It may well be asked, has there been any improvement since then ?

In the other presidencies the condition is no better.

In the Bombay Presidency out of 18 subordinate judges of the first class only one is a Muslim, and that in Sind, which is largely a Muslim province. Similarly one lucky follower of Islam finds a place among 22 deputy collectors in the first four grades. In the Madras Judicial Service, out of 165 appointments, 135 are held by Hindus, 26 by Europeans and Eurasians, and only 2 by Muslims. In the Executive Branch, out of 23 incumbents in the first three grades, a solitary Muslim forms the exception, *The Muslim Patriot* of Madras states that in the 'Salt, Abkari, and Customs Department', where strength of character is more important than University qualifications, 'out of a total of 1,056 officers, 223 are Europeans, 790 Hindus, and only 43 Muslims.' Whilst a Muslim correspondent in *The Times of India* of the 15th of September points out that out of 225 officers employed in various judicial and executive

[1] In 1882, out of 56 officers, 3 were Muslims, 44 Hindus, and 9 Europeans.

capacities in the Bombay Presidency only eight are Muslims. In the Punjab Provincial Service, out of 44 officers in the first four grades, only 12 are Muslims; whilst in the Upper Provinces, out of 44 subordidate judges, only 13 are Muslims, and in the Executive Branch of the Provincial Service in the first four grades, out of 51 officers, 16 belong to the Muslim faith.

Among the 'Ministerial staff'—the host of assistants and clerks—the disparity everywhere is still more disheartening.

With these facts before us we can hardly wonder at the rankling sense of injustice which, it is useless to disguise, pervades the educated classes of Indian Muslims. Many of them have by dint of preservance and industry acquired the education that has been held out to them as the passport to State employment. Like their more active and 'pushful' compatriots, they entertain the legitimate ambition of sharing in State patronage. Their sentiments naturally affect the feelings of the general body. It is to their credit that they have hitherto abstained from clamour, and so far maintained unshaken loyalty to the British Crown.

A consistent and statesmanlike endeavour, which will not allow itself to be diverted from the pursuit of its object by adverse criticism, to redress the grievances of the classes from whom the public service is, or in the ordinary course would be, recruited, is the only remedy that can satisfy the Muslims and restore their confidence in British justice.

This in substance is the prayer of the memorialists. It is neither extravagant nor unfair to any other community. They recognise it is only human nature that men should help relations, friends, and fellow-castemen, and try to hold the door against 'aliens.' The desire for monopoly is not the characteristic of one continent. But they consider it to be the duty of the State to hold the balance, regardless of sectional clamour, with even justice.[1]

[1] The allegation of the Muslims that the unpopularity of the late Lieutenent-Governor of Eastern Bengal was in great measure due to his proclaimed desire to do them justice does not seem to be unwarranted. The avowed organ of the 'National Congress' in London, in commenting on the well-known Lyon Circular, in which certain rules were laid down for the admission of Muslims to public offices, had the remarkable heading for its paragraph, 'Religious Test, not Merit'; and now an agitation is said to be on foot to get the Circular rescinded. This, I am afraid, is not the spirit which would win sympathy of the Muslims in Congress enterprises; nor does it appear to accord with the *modus vivendi* suggested by one of the Congress journals

As the first step towards the fulfilment of the promise held out to the Deputation, a complete and exhaustive return should be called for, showing the relative proportion of Muslim employees, save, perhaps, in the menial grades. The return should be submitted periodically to the Government of India and the Home Government. This would enable the superior and controlling authorities to form an adequate idea of the situation, and to keep an eye on the process of amelioration. Heads of departments should be required to deal personally with the applications, and to see that all classes receive fair play. Vacancies, again, should be notified in the provincial gazettes and local publications, in vernacular and English. Above all, I submit, the rules laid down in Lord Dufferin's Resolution should be strictly enforced.

The memorialists have laid great emphasis on the subject of Muslim representation in the Legislative Councils. The functions of these chambers have greatly altered within the last few years; the non-official members have obtained the right of interpellation, which enables them not only to indicate the trend of public opinion, but often to call attention to grievances the ventilation of which otherwise would be left to irresponsible journalists. It has also become the practice for Government, at the conclusion of the Legislative Session, to detail, for the information of the Council, its financial and in some respects its general administrative policy, thus giving the members an opportunity for criticism and comment on the measures proposed. A further 'enlargement' of the Councils and extension of the prinicple of election, with possibly a widening of their functions, are on the *tapis*. Under these circumstances it is of vital importance to the Muslims to be properly represented in the Supreme and Provincial Councils.

The memorialists do not appear to overstate their claim when they say that:

> In any kind of representation, direct or indirect, the share accorded to the Muslim community should be commensurate, not merely with their numerical strength, but also with their political importance and the value of the contribution they make to the defence of the

in Bengal for Muslim co-operation. One of the suggestions was that, 'in any case they' (*i.e.* the two communities) 'should never cry out when any undue favour is shown by Government to either of them'!

> Empire ; and that in this connection due consideration should be given to the position which they occupied in India a little more than a hundred years ago, and of which the traditions have naturally not faded from their minds.

The general interests of the different nationalities of India under British rule are identical, but the Muslims have special interests besides ; and their claims with regard to these can be represented in a satisfactory manner only by competent men of their own faith enjoying the confidence of the bulk of their people. Hitherto, with very rare exception, Muslim members have been nominated by Government. Considering the difficulties which surround the task, it must be admitted the selections have, on the whole, been remarkably successful. But it cannot be denied that under the system of nomination the representation of Muslims has by no means been adequate. In the Legislative Council of Bengal, if I am not mistaken, there are seven Hindu members to two Muslims ; in the Legislative Council of the United Provinces five Hindus and two Muslims ; in the Legislative Council of Bombay, nine Hindus and Parsis and two Muslims. In the Madras Legislative Council, out of twenty members eight are Hindus and one a Muslim.

The reply of the Viceroy gives the Muslims the assurance that in the remodelling of the consitution their claims to proper representation would be fully borne in mind. It is therefore necessary to consider how that object can be best attained. With the extension of the principle of election, the position of a nominated member could hardly fail to become invidious ; his opinions and his vote would be discounted as that of a Government nominee. The memorialists have pointed out with conclusive force that, to leave the election on Muslim members in the hands of electoral bodies as at present constituted, would reduce the principle to absurdity. The only possible solution—the only means, in fact, of ensuring the proper and fair representation of the Muslim element in the Viceregal and Provincial Councils—is by confiding to the several communities the election of their own representatives. Any other system would land the State in confusion and leave the Muslims stranded.

Whilst ordinarily the choice of representatives should be left of the two communities separately, the power of nomination

should be retained for remedying the balance whenever occasion may arise for its exercise.

The election of members for the Provincial Councils should, I submit, be confided to the following classes of individuals :

(a) Muslim members of the district and municipal boards, members of the learned professions, merchants, and persons holding office under Government with an emolument of more than a hundred rupees a month.

(b) Pensioners drawing an allowance of not less than fifty rupees a month.

(c) Persons deriving a permanent income of a hundred pupees a month from house or landed property.

(d) Graduates of the Universities of five years' standing.

(e) Oriental scholars who have held scholarships of fifty rupees a month not otherwise disqualified.

(f) Holders of any title or distinction from Government.

With regard to Muslim representation in the Imperial Legislative Council, the memorialists make an important submission. They urge that the proportion of Muslim 'representatives should not be determined on the basis of the numerical strength of the community, and that in any case the Muslim representatives should never be an ineffective minority.' And they suggest that the election should be entrusted to an electoral body composed of 'Muslim landowners, lawyers, merchants, and representatives of other important interests of a status to be determined by Government, Muslim members of the Provincial Councils, and Muslim Fellows of the Universities.' To my mind it would be simpler, certainly less complicated, to leave the election in the hands of the Muslim members of the several provincial councils, but the field of selection should not be confined to their own body.

These suggestions are submitted as mere tentative hints for the consideration of the Commission to whom has been confined the task of devising a practical scheme which would safeguard the interests and satisfy the reasonable aspirations of all communities. In the decision regarding the proportion in which the different elements should be represented, a variety of considerations will naturally enter. At a time when unrest and excitement in one province which has derived the greatest benefit from British rule wears the appearance of developing into strife and

disorder, the qualities of self-restraint, of a spirit of compromise and some conception of the limitations to political activity will probably not be overlooked.

The election of members to the Councils does not offer to my mind the some difficulty as that to the District and Local Boards, which, to use the language of the memorialists, form, as it were, 'the initials rungs in the ladder of self-government.' Hitherto Muslim representation on these bodies has been to them a constant source of heart-burning. And it will continue to be so until the proportion of the members from the two communities is definitely fixed, and the election left to them separately.

The memorialists have put so clearly the case of the Muslims as regards representation in the public services, the Councils, and the local bodies, that it may appear somewhat ungracious to call attention to what seems an omission. For there is no allusion in the memorial to the defective administration of the Muslims law in the British-Indian Courts of Justice. The appointment of qualified Muslims to the High Court of India is unquestionably a matter of importance; and the memorialists are right in their contention that, having regard to the fact that learned Bengali lawyers sit on the bench in the Punjab Chief Court and the High Court of Allahabad, there is no reason whatsoever against taking a competent Muslim from the Punjab or Allahabad to the other provinces, and *vice versa*. Nor ought it to be overlooked that the community of language, sentiment, and tradition places the Muslims of the different provinces on a common platform, and constitutes them in an emphatic sense one nationality.

But in my opinion the proper administration of Muslim law will not be placed on a satisfactory basis until there is a large increase in the number of Muslims in the ranks of the subordinate judiciary.

Twenty-four years ago, in connection with these self-same questions, I ventured to make in the columns of this Review the following remarks :

> The depressed and despairing condition of the Muslims demands the serious attention of Government, and should not be dealt with longer in the *dilettante* with which has hitherto been the fashion, but in a real earnest manner. A nation consisting of upwards of

fifty millions of souls, 'with great traditions, but without a carrier deprived by slow degrees of wealth and influence by a policy of mistaken sentimentalism, mixed with a contemptuous disregard for popular feelings, must always constitute an important factor in the administration of India. It is this factor which cannot be ignored, and which must be taken into account by Government in all future projects for the well-being of India.' [1]

To-day the most influential organ in the English Press repeats the warning in stronger language :

'We have now reached a stage where assurances will be quite valueless unless they are backed by deeds. If the Indian Government does not retain the confidence of loyal minorities by a steady and consistent policy, then, in words recently quoted in our columns, we may expect to see the Muslims 'either join the Congress or set up a second agitation of their own.' [2]

The eventual success, however, of the constitutional movement inaugurated by the Deputation rests on the Muslims themselves and their prominent men. Occasional and sporadic efforts of this kind will lead to no permanent result. Measures change with men. To watch over the development of the Muslim people, to protect their interests, to see that their claims to equitable treatment are not neglected, to work loyally with the Government, and, in a spirit of fairness and compromise, with all other communities in the promotion of the common welfare, they should have permanent and influential associations in every district and in every province acting in conjunction with and under the guidance of a central organisation located in some place like Aligarh, which focuses at this moment the intellectual life and political activity of the Muslims of India.

THE NINETEENTH CENTURY,
November, 1906, Vol. LX—No. 357 60, pp. 823 to 834.

[1] A Cry from Indian Muslims, August 1882. According to the last census, the Muslims population directly subject to British rule exceeds sixty-two millions.

[2] *The Times*, Sept. 26, 1906.

THE UNREST IN INDIA—ITS MEANING

In talking of the unrest in India we are apt to forget the new conditions which have arisen there within last twenty-five years and which have effected a great change in the sentiments of large bodies of people and considerably altered the complexion of even ordinary affairs. The facility of travel, facility in the interchange of thought through the medium of a common language among those who have passed through the mill of the Government schools, to whatever part of the country they might belong; the disappearance to a great extent of those linguistic and racial divisions which formerly kept the inhabitants of the different provinces so widely apart; the community of traditions revived and rehabiliated, if not exclusively by English hands, under English influences; the intensification, in many cases, of religious and racial antipathies, have all conduced to a solidarity among certain sections of the population and given birth among many to ambitions and aspirations of which it is difficult for most outsiders to form an adequate conception.

As yet these feelings have not affected the masses or their natural leaders, to whom the language of modern democracy imported from the West makes no appeal, and who wish to develop India on conservative and indigenous lines. But no one can believe that either the one or the other can remain long untouched by the wave of nationalism which is passing over those classes who are most pervious to English influences and whose education is mostly English. The recent incidents in the Punjab, the outburst of anti-foreign feeling in other parts, are indications of the effect it can produce when sentiment and self-interest are invoked to inflame the passions and prejudices of the ignorant classes.

Remembering these facts, we cannot be surprised that, apart from any active propaganda, the feeling of discotent engendered in one province by an unpopular measure must react the others. With the influences working unconsciously under

the surface, not much engineering is needed to turn a local grievance into a 'national' trouble.

The far-sighted labour under no misapprehension as to the objects which many of the more enthusiastic have in view; they recognise the limitations under which for some considerable time the political development of India must proceed; and until now they seem to have kept within bounds the fiery spirits who have made independence from British dominancy the goal of their ambition. But apparently they have lost their hold on the movement which had hitherto been leading towards reform on constitutional lines. They have practically been pushed aside, let us hope only for the moment, by a new party which regards moderation as a signof weakness.

Nationalism of the extreme type, exclusive, resourceful, and aggressive, is content no longer with the programme of its more thoughtful leaders. Judging from all the circumstances, it is evident, as remarked the other day by a competent authority whose sympathy is well known, that 'the extremists have gained the upper hand.' They will accept no boon from aliens and will have nothing to do with foreign domination.

When even a fragmentary part of a great conservative force like Hinduism adopts methods of the West to extend its influence and paralyse controlling agencies it becomes an important element for consideration. There is, of course, no unanimity with respect to the means to attain the desired end. A war-cry invented in one province for a special purpose has penetrated to others widely apart; watchwords and tokens have come into existence. But between passive resistance to Covernment measures, general boycott of the English and English-made goods, and consequent disorganisation of British administration, and heroic methods of a still more undesirable kind, there is a great gulf. Whatever the means suggested, its advocates do not seem to perceive the immediate consequences of an agitation conducted on these lines for objects, which under existing conditions can hardly be regarded as feasible or conducive to the good of the people. And one of the first-fruits of the present excitement has been to stiffen the backs of the African colonists against making any concessions to Indian settlers.

The influence for good and for evil of the students educated

abroad is naturally great among their compatriots; many of them are higly gifted, all of them are keen-witted and well-educated. They would probably be the first to recognise that, however much *Swaraj* may be desirable in theory, India is not ripe yet to assume charge of her own destinies and that for some time to come the present rule is a vital necessity for her.

Quite recently a writer in one of the English dailies remarked with characteristic arrogance that 'altruism is not an Oriental virtue.' Assuming that it is a Western virtue, if the British were altruistic enough to withdraw from India to-morrow, 'bag and baggage,' as the extremists suggest in the language of Gladstone, what is the alternative? Either anarchy or another foreign domination. And no one will hesitate to acknowledge that, whatever its faults, British rule is preferable to that of the Russians, French, Germans, or even the Americans.

Would it not be better to wait for the gradual evolution of a Government conformable to the sentiments of a *united* people, rather than by violent methods, or by virulent language calculated to inflame the minds of the ignorant masses, try to hurry the pace and retard the progress? The last fifty years since the British Crown assumed the direct sovereignty of India have witnessed changes which nobody living in the sixties could have conceived as possible. Another twenty-five years of peaceful development are certain to bring still greater advance. The hour-hand of time cannot be stopped.

At this moment, however, the nationalistic feeling is so strongly anti-English that every counsel of moderation is certain to be received with a storm of indignation. Thus it is that even men who are convinced of the impolicy of violent methods and extravagance of language as likely to hinder the cause of reform and progress are obliged to run with the current.

The apathy with which the Indian Government has so long viewed the situation is difficult to explain. No one who has watched the course of events in Bengal can fail to observe how an agitation which, taken in hand at the right moment, might have been shorn of its most mischievous features, has been allowed to gain in intensity and acquire a bitterness which it is useless to disguise. Its genesis may be involved in doubt, its tendency cannot be mistaken. Warnings there were in plenty that a

movement which began in opposition to an alleged unpopular measure was degenerating into a violent antagonistic propaganda against all aliens in race and creed. But they passed unheeded. An optimistic frame of mind views with impatience tinged with contempt any suggestion or opinion that does not emanate from approved quarters, or come through accustomed channels.

Until now the source whence the agitation started gave colour to the official belief that it was ephemeral ; that treated with mild doses of sympathy the symptoms would soon disappear. There was never any real attempt to diagnose the true cause of the excitement that so suddenly—to the official mind—had sprung up in Bengal. It was never understood, I venture to think, that the Partition, however strongly it may have touched the sentiments or interests of certain classes, could without other causes working at bottom have brought about that ebullition of feeling against foreign dominancy which has ever since been the prominent feature of Bengal politics.

The whole movement has been either treated with indifference or regarded as a phase of national development that deserved encouragement. It was forgotten that what was mere effervescence in Bengal, translated to provinces inhabited by more virile races, has a different significance.

In the present condition of the country and the popular frame of mind the desire to placate may easily be construed into timidity, whilst spasmodic exhibitions of vigour are likely to create the belief that they are dictated by fear. What is needed is a consistent policy based on a true understanding of the causes of the unrest.

It would be folly to advocate the repression of the legitimate impulses of a nation towards a wider expansion of its capacities ; it would be equally a folly to neglect the appearance of a new force which, although owing its birth to Western influences, is at this moment peculiarly anti-Western. But it would be more than folly to allow constitutional criticism of the measures of Government, constitutional endeavours for its improvement or reform, to degenerate into seditious exhortations and incitements to revolt, which might involve numberless innocent people in ruin and misery. No Government worth the name can allow liberty to degrade into licence to be used as an engine of oppression—for landlords to coerce tenants not to buy foreign

goods, for irresponsible youths to prevent by force other people from following their legitimate trades and occupations or the bent of their own tastes. It would be the encouragement of a tyranny of the worst kind—a mob tyranny likely to involve different communities in violent conflicts.

When bands of 'national volunteers' are allowed to roam about the country to terrorise over law binding people the only explanation of the extraordinary situation is that the administration must have been seized with a sudden paralysis. And the news telegraphed from Simla that at a conference of Hindus and Muslims the Hindu leaders had accorded to the Muslim subjects of His Majesty their permission to buy and sell English goods raises a smile at the weakness which could let things come to such a pass that one section of the people should depend for the exercise of their rights and the enjoyment of their liberty on the toleration or sanction of another. The idea at the back of some minds that if the unpopular measure which has ostensibly induced the disorders were undone things would resume their normal course confuses cause and effect, and proceeds, it is submitted, on a misapprehension of the real nature of the complaint.

How the British Government will lay the Frankenstein it has raised remains to be seen. But no friend of India can view the present situation or the immediate future without the gravest anxiety. For centuries Hindus and Muslims have lived side by side in piece and amity. The fact that the latter had been displaced by their Hindu compatriots in Government consideration had made little or no difference in their general relations. Occasional disturbances between the rowdy spirits on both sides on certain festivals did not mar the normal harmony. Between the better minds of the two communities there existed, as I hope it still exists and lastingly, sincere friendship based on mutual respect and recognition of worth.

It is unfortunate that after nearly two hundred years of constant intercourse the Indian and European should not have come nearer; it is still more unfortunate that in certain directions the gulf should have widened. To suppose, however, that it has any connection with the Japanese victories is ludic ous Industrial competition in recent years, with the influx of a large body of Europeans who in the days of the Company

would have been treated as 'interlopers' rather deficient in the quality of sympathy with their environment, has no doubt something to do with the present feeling. This, however, does not sufficiently explain the fact. Schopenhauer, in one of his derisive moods, has said : 'Every miserable fool who has nothing at all of which he can be proud, adopts as a last resource pride in the nation to which he belongs.' I myself believe in racial pride, though it may be carried too far. The average Englishman of a certain class does not usually show in his best colours in Eastern lands, where everything around him is alien to his mind. With much natural kindliness of heart he combines an unveiled assumption of descent from a higher sphere, which, as can be imagined, is galling to races who are proud of their traditions. He makes no differentiation between class and class.

The complaint about political disability is a misunderstood phase of resentment at the stigma of racial inferiority. The general European attitude of superiority did not, however, interfere with individual cordiality. Christian missionaries were specially respected. They were the pioneers of English education among Hindu youths. It was from missionary institutions that came the men who distinguished themselves at the bar of the old Sadar Diwani Adalat and in the service of Government, and overflowed into the mercantile offices. It was the start which the missionary institutions gave to English education among Hindu youths that gave them a superior advantage. It was a strange irony of fate that brought a Hindu mob upon inoffensive Christian pastors and missionaries the other day at Lahore.

In their endeavours to promote English education among the people and to develop among them the nationalistic spirit, the missionaries adopted a method which, however expedient from their point of view, has led to consequences which they themselves must regret. With the object of developing 'Christian culture,' as it was called, 'among the natives' the Muslim religion and Muslim rulers were persistently represented in an unfavourable light. The same method was afterwards adopted in Government institutions. There was no virtue in Muslim rule ; the toleration and equal rights enjoyed by all classes under Akbar, Jahangir, and Shahjahan were nominal ; the Maratha rising

was a patriotic revolt against alien rulers! The ultimate tendency of these teachings on impressionable minds was lost sight of. Sivaji celebrations were not discouraged, as they only embodied sentiments of antipathy to Muslim rulers! Naturally, opprobrious epithets towards Muslims became common among certain classes. The result is what the veteran Nawab Mohsin-ul-Mulk described in his speech at Lucknow in response to Gokhale's invitation to the leading Muslims to throw in their lot with the Congress, that English education, by developing an exclusive and somewhat intolerant spirit of nationalism on one side, had done more than any other cause to estrange the two nationalities whose destinies are so intimately connected and on whose amicable co-operation in the work of progress and reform depends the whole future of India.

Nowhere were the relations between the two races more cordial than in Upper India; they spoke the same tongue, wrote in the same character, observed the same customs. In an unlucky moment an illconceived administrative order created a breach which there are grounds for fear may widen still further.

It was hardly to be expected that the antipathy unconsciously fostered against one alien rule, even though it might belong to the past, would not extend itself to any other dominancy.

Moderate people among all classes and creeds deplore the turn affairs have taken; they apprehend, not without reason, that it may seriously jeopardise the progress of the country and the introduction of reforms. Organs of public opinion, men of standing, all alike condemn the extravagance of language which has now become a source of public danger. But unfortunately their counsel does not seem to have much weight.[1] To judge even approximately of the tension which prevails, one must belong to the country. If the official classes alone had been the objects of unpopularity, it might be thought that they were considered the unsympathetic instruments of an oppressive government. Unfortunately all Englishmen seem at the present moment to be objects of aversion; and the ignorant

[1] *The Hindu Patriot, the Indian Social Reformer,* and *the Indian Mirror,* not to name others, are very decided in their condemnation of 'extremist' methods.

classes do not wait to make any difference between official and non-official, sympathiser and non-sympathiser. The term *Farangi* which formerly was applied only to Eurasians of low degree, is now the common appellation of all Europeans. Prominent Hindus may not maintain friendly relations with Europeans or entertain European friends without being subjected to serious annoyances and molestations. It is even said that the feeling has extended to the professional classes, which hitherto were wholly impervious to it. One can only trust that the report is not true.

Had this phase remained confined to one part of the country there would have been no difficulty in satisfactorily solving the problem, but its appearance in an aggravated form in a province inhabited by far more vigorous races naturally furnishes grounds for anxiety. It is true that a certain measure relating to the assessment of Government lands in what are called 'the Punjab colonies' has proved unpopular among the classes affected by it. Apparently there is some ground for complaint, and the objections of the *Zamindars* have, in a reasonable and moderate form, found expression in their journals. Their representations have already attracted the attention of the Lieutenant-Governor of the Punjab, who seems to have taken steps to deal with the complaint in a sympathetic spirit.

It is difficult to believe that an unpopular measure alone could have imparted the peculiarly violent character to the outbreaks in the three principal cities of the Punjab, in the course of which the English missionaries, who have so often been the champions of the popular cause, should have been particularly singled out for maltreatment. Hitherto a Punjabi has not easily fraternised with an inhabitant of the Lower Provinces. Evidently the extremist feeling which is so pronounced in Bengal has made its way into the Punjab.

So far the fermentation does not appear to have spread in any acute form to the United Provinces. But few people think that they can long remain unaffected by the spirit which is passing over the land. Even if no efforts were made to drag them into the campaign, the feelings, hopes, and aspirations which are working in the neighbouring provinces must in the course of things produce their natural effect. To say that the situation does not require that highest statesmanship is to court

disaster.

The unlucky coincidence which made the recent riots in the Punjab almost contemporaneous with the anniversary of those dark days when India was plunged in the horrors of bloodshed created among the nervously-inclined in England and elsewhere a feeling of alarm and anticipation of trouble. This feeling was not likely to be allayed by the attempt, on the part of the 'Free India League,' to commemorate in London 'the Jubilee of the Patriotic Rising of 1857'! Whatever the motive which prompted the attempt, whether bravado or otherwise, it was deplorable. For the sooner that episode is forgotten the better, for both India and England.

One thing is certain, no such outburst as the great Mutiny is ever likely to recur. It is not the military resources at the command of Government which make it impossible; the causes which gave it birth are dead. The only force with which the administrator will have to reckon in the future is the strong nationalistic feeling which so many circumstances have combined to foster and stimulate. Wisely directed, it might become the means of great good to the people. It might encourage national education, develop national industry and enterprise, help in the cultivation of arts and literature. Misdirected, it is certain to cause incalculable harm, to plunge the country into strife and disorder; drive the Government to adopt unwelcome measures for the repression of disturbance to public peace, and render the administration on progressive and sympathetic lines impossible. But this seems to be the very object the militant section have set before themselves. They deride what they call the 'milk and water' programme of the Moderates. *Swaraj* is their dream, and in its pursuit they appear resolved to go to extremes. One has only to study the extremist literature with which the country is flooded, to judge, not only of their aims and the method of their work, but also the efforts that are made to stimulate discontent with the present order of things.

I do not write as an alarmist; my sympathies are all on the side of progress and reform, and even the aspirations of nationalism within constitutional and legitimate limits. But I think that the man, particularly the statesman, who neglects the signs visible to the naked eye, will have a grave indictment to answer at the bar of history.

The character of the situation is thus pithily summed up by a distinguished Hindu graduate of the University of Columbia who is reported to have told his audience that 'Hindu civilisation was now pitted against English civilisation.'

The views of a prominent leader of the Congress expressed in an Indian newspaper on the causes of the unrest in Eastern Bengal were thought of sufficient importance to form the subject of a telegraphic communication to England. He considered that 'the unrest in Bengal is due to a belief which prevails among the more ignorant classes that the Government will support the Muslims against the Hindus.' And on this statement an English journal based this excellent homily, that 'this belief, until experience corrects it, will excite both sides to excesses.' What these 'excesses' are were explained the other day to the House of Commons by the Minister responsible for the good Government of India. I am not prepared to believe Dutt gave expression to the opinion with which he has been credited. But if he did so, I venture to think that he has done an injustice to those whom he calls 'the more ignorant classes.' The ferment, as he knows, is primarily due to men who can hardly be called 'ignorant,' and who would probably resent its application to them by anybody, except perhaps by one of their own leaders. The really 'ignorant classes' have no such belief, except where it may have been instilled into them by persons better acquainted with facts. The fomenters of the 'unrest' know perfectly well that Government has not the faintest notion of supporting the Muslims or showing them any undue favour. They know, as the Muslims know, that in its dealings with the Muslims it has always subordinated considerations of equity to expediency that in deference to Hindu feelings it has maintained an impartial attitude which had this peculiar quality that it often inclined the scale towards the majority. Dutt's statement—if, indeed, he is correctly reported—seems very like the proverbial red herring trailed across the path of the timorous administrator. This dexterous attempt will probably have one effect, it will still more disincline the British Government to show consideration to Muslim claims or Muslim worth, lest at this juncture it might be construed into favouring the Muslims and thus offend the sensitive feelings of these 'ignorant classes.'

The leading Muslims of Eastern Bengal, in conjunction

with prominent Hindus, are striving to restore harmony between the two communities; but, judging from reports, malevolent endeavours are not wanting to nullify their efforts. So far the Muslims as a body have under the most trying circumstances exercised great self-restraint and moderation. They appear to have withstood all attempts to exasperate them or to goad them to put themselves in the wrong. They will probably have need in the future for still greater self-restraint and forbearance, and this need, I think, the leaders of the Muslim community should carefully impress on the bulk of their people. They will gain nothing by losing self-control they will only play into the hands of those who wish to create mischief. They must remember that in any disturbance, however provoked, they are more likely to receive harsher measures, lest leniency might be construed into favouritism. They must look to the law of the land for redress of grievance and protection from annoyance and provocation. Nor must they forget that in India particularly law is a game for the rich, and as a community they are not rich. For protection from persecution they must trust; as they have hitherto trusted, to the justice of British rule. It is impossible to suppose that, inspite of the volume of sound which drowns their claims, their voice will always remain unheard.

I have so long dwelt on the outward manifestations of a new force, though not altogether unprecedented in the history of India—a force full of momentous potentialities. Whether the movement can be turned into salutary channels must be a subject for anxious consideration to all, Indians and Englishmen alike, who are interested in the peaceful development of the country and people.

In my opinion neither temporary measures of repression nor of mere conciliation which gratify individual or sectional ambitions will have more than a passing effect. We know that when justice is on the alert the mischief-maker lies low; the moment its watchfulness is relaxed his machinations begin again. Repressive measures continuously applied breed ill-will and further the purpose of those whose object is to sow distrust in the minds of the people. Attempts to temporise or soothe feelings, factitious or real, are apt to be misconstrued; and the answers they bring sound like the cry of 'the daughters

of the horse-leech.'

As a remedy for the unrest in the country, it was recently suggested by an eminent Indian, whose position lends weight to his opinions, that a member of the Royal Family of England nearly connected to the throne should be sent to India as a Regent for the same term of years as an ordinary civilian. He was, however, to act merely as a figure-head without any hand or part in the actual administration. The office of Viceroy was to be abolished, and instead there was to be a Prime Minister whose functions would not be dissimilar. Although the idea was cleverly propounded and seems by its novelty to have caught the fancy of some, it is difficult to see how the Regency—whatever attractions it might possess for Rajas and Nawabs—would achieve the desired result. With all respect, the suggestion misses not only the nature of the complaint for which the remedy is prescribed, but also the difficulties which surround its application.

The problem which faces the Government requires consideration from a broader standpoint. It is not enough to apply palliatives without endeavouring to get at the root of the mischief. The first effort no doubt should be to restore order and to give effective protection to law-abiding subjects of the Crown. The policy of letting things slide, of coquetting with malevolence, must be abandoned. But, without relaxing for a moment the attitude of watchfulness or ceasing to repress disorders and open or covert incitements to sedition, steps should be taken to neutralise the propaganda of ill-will and racial feud by inviting all people interested in the maintenance of peace and good government to assit in the restoration of better feeling and harmonious relations between the different communities.

The Muslim historian of India, writing under the auspices of the first English Governor-General, describes thus the cordial relations which, in the course of centuries, had grown up between the Hindus and Muslims.

> And although the Gentoos seem to be a generation apart and distinct from the rest of mankind, and they are swayed by such differences in religion, tenets, and rites, as will necessarily render all Muslim aliens and profane in their eyes; and although they keep up a strangeness of ideas and practices which beget a wide

> difference in customs and actions, yet in process of time they drew nearer and nearer, and as soon as fear and aversion had worn away we see that this dissimilarity and alienation have terminated in friendship and union, and that the two nations have come to coalesce together into one whole, like milk and sugar that have received a simmering. In one word, we have seen them promote heartily each other's welfare, have common ideas, like brothers from one and the same mother, and feel for each other, as children of the same family.

It is not so very long ago that the cordiality, goodwill, and sympathy, so quaintly described, were general among all classes and not confined to the cultivated sections. They visited each other, joined in each other's amusements. and as neighbours and friends maintained constant intercourse. The change that the last two decades have worked is most marked. And the refusal of the Muslims to join the boycott movement has intensified among the more violent the antipathy of recent growth artificially fostered. In spite of the present differences, it is my firm belief that with a little devotion and self-sacrifice on the part of the best men on both sides who have a clearer insight into the needs and requirements of India, and who are not swayed by passions and prejudices, the same old relations can be re-established.

The first duty, however, seems to be to bring the official classes in touch with the people in order to promote mutual understanding and to neutralise, to some extent, the teachings of racial animosity. The aloofness of Europeans in their general relations with Eastern people, and the inaccessibility of British officials, had, as early as 1787, formed the subject of criticism among the educated classes of India. The same writer whom I have quoted above, commenting on the conditions under the Mughul emperors and those under the Company, says:

> Hence those princes lived amongst their people and amongst their nobles, as kind and condescending parents amongst their children; nor did they suffer the dust of sorrow to darken the heart of any of the creatures of God by a show of tenderness to one part of the

people and of rudeness to the other; for they looked upon them all, whether conquerors or conquered, with an equal eye.

To this the English translator adds the following note:

The Emperors of Hindustan used to give public audience twice a week, and were imitated by all their lieutenants and governors; whereas the charge of inaccessibleness brought against European by their Indian subjects is founded on matter of fact and on daily experience, although, after all, the charge is exaggerated.

The example of Warren Hastings and many of his notable successors led to the adoption of a system of weekly darbars held by British officials for the reception of local magnates and prominent people. But as the administration became more complicated it gradually fell into disuse. Nowadays the overworked officer has less time, and probably fewer opportunities, to come in contact or cultivate personal relations with the people over whom he is placed. The gulf which so often separates the two to the disadvantage of both might be bridged, if the old practice were resumed with broader sympathy and a better comprehension of the results that might be attained thereby. A day might be set apart by the head of the district or sub-division to receive not only magnates and persons of education and standing, but also headmen of villages.

There need be no fear as to the derogation of authority or respect in consequence of any unbending, in these efforts. The Indian, whatever his rank in life, hardly ever fails in his respect to his superiors. Of course, the revolutionary wave we are witnessing has slackened the bonds of authority and weakened the old reverence for age and position. But to command respect is a matter of personal equation; and few officers, English or Indian, would be found deficient in that quality. I believe, if some effort were made to bring about a change in the relations of the people with the official classes, it would prove of the greatest help in removing much of the ill-will that has recently grown up among certain classes against British rule.

It is unfortunate that there is no efficient means of counteracting that deleterious influences to which many students coming from India are subjected on arrival in this country. In

former years when they were few in number, they brought introductions to personal friends of parents and relations, and generally came under the best guidance and saw the best side of English life. English society was less exclusive in those days—and its portals were open not merely to the rich. If the students were gentlemen and well educated they frequently found an entry into good circles. The situation has completely altered within the last twenty-five or thirty years. The influx of students for training and education has become greater. Courtesy to them is now regarded as the fad of the philanthropist or the duty of the Anglo-Indian official. The students have societies of their own, mostly political in character. They are often members of English clubs which advocate advanced politics. They imbibe here the lessons of political philosophy which England teaches with such success to the rest of the world. They return to their homes with not very kindly sentiments towards the somewhat autocratic government which rules their country.

Would it not be a wise policy for the Indian Government to assist the association which are working so assiduously to promote the interests of India and her people—to establish a non-political club where Indian students would meet Englishmen and their own country-men residing in England and acquire that spirit of frank camaraderie, forbearance and moderation so essential in after life ; where also they might cultivate an electric mind which would reconcile Eastern and Western civilisation ? And perhaps some means might be found for the British Ministers at Washington and Tokyo to come in touch with the Indian students who are now flocking in large numbers to Japan and the United States for technical training and general education.

To promote the establishment of better relations between Hindus and Muslims I would suggest the formation of social clubs where educated members of the two communities might meet for purposes of friendly intercourse and reunion. There is no dearth among either people of public-spirited men willing to undertake the task of forming such societies. And if the same recognition which is now accorded to rich men founding schools and dispensaries were extended to those who interested themselves in the formation and maintenance of friendly clubs, we would soon see no lack of enterprise in this

direction.

With a similar object the *akharas* which have recently sprung up in Eastern Bengal to teach the youths of the provinces the hitherto unaccustomed and unpopular art of plying the lethal weapon might be converted into students' clubs for self-improvement; whilst the practice among young students of carrying daggers and sword-sticks, pistols and revolvers, which offers such strong incentives to rowdyism, might, however gently, be discouraged.

These suggestions are offered in all diffidence as the result of a long study of a problem the solution of which is becoming daily more and more difficult. Some might seem weak, others hardly feasible. But, whatever view may be held with regard to them, in my opinion the time has come when steps must be taken to reach the heart of the *people*.

THE NINETEENTH CENTURY,
June, 1907, Vol. LXI—No. 364, pp. 873–885.

SOME RACIAL CHARACTERISTICS OF NORTHERN INDIA AND BENGAL

At no period of the history of Great Britain's connexion with India have the racial characteristics of her people, which furnish perhaps the only key to her inner life and the present political situation, possessed greater interest for Europeans than now. Recent events, combined with the general attitude of certain classes influenced by Western education or permeated by Western ideas, have attracted even the attention of intelligent observers abroad. And it is not unusual to find French, Russians, and Germans keenly seeking information regarding the peculiarities of the different races, and their real or supposed antipathy towards the British and British dominancy. Of these foreign inquirers probably the most interested, or the most inquisitive, as certainly they are the best informed, I found among the subjects of the Czar and the qaiser. The Anglo-Russian Convention, in which England has shown such self-secrificing spirit, will not lessen the Russian interest which was so unmistakably evinced fifty years ago.

Although much theoretical information on the subject is available in census reports, gazetteers, and such—like works, a knowledge of the virtues and idiosyncrasies of the people of India derived from actual and intimate association is rare. The attempts to gain an insight into their character have been mostly confined to the Punjab where more picturesque conditions appeal to the imagination of outsiders. But as enthusiasm in this direction is usually regarded in high quarters as a 'crank' these attempts have borne little practical fruit.

Among other causes, insufficient command over the vernaculars prevents the European official classes from coming into touch with the masses. The same difficulty often stands in the way of familiar intercourse with the upper sections of Indian society. It is not so very long ago when perfect acquaintance with the spoken Indian languages was as common as it is unusual nowadays. It was not only the passport to official preferment,

but a requisite qualification for holding converse with the people in all walks of life. Since then one chief cause for its necessity has disappeared. Almost all Indians with whom an Englishman ordinarily comes into contact speak and write English. Their command over the language may vary according to their culture, but rarely is there any need for recourse to the vernacular for conversational purposes. Again, it is not merely that the work has increased, but the conditions of life have altered, which leave little inducement to acquire a thorough acquaintance with the popular tongue or cultivate intimate relations with the people. So long as the young officer is able to pass the departmental examinations both he and the Government are content with his linguistic attainments. No amount of manipulation in the distribution of official work or reduction in files will restore to life the class of men who, in the midst of their duties, had always time to enrich the pages of the *Calcutta Review* with contributions on Indian history and philosophy.

Whilst the English official is thus hampered in his direct dealings with the masses, the Indian official often finds himself in a dilemma. If he is too intimate he is as likely as not to bring down on himself reproof from superior quarters ; if he holds aloof he lays himself open to the charge of being unsympathetic. As a consequence he entrenches himself behind a barrier of reserve. The Englishman is generally fond of sport ; if a man of tact and intelligence he manages in the pursuit of *shikar* to get a glimpse of village life and manners. The Indian has rarely any sporting predilections. His views in many instances are of an *a priori* character, and his impressions are derived from police inspectors or other officials or *quasi*-official media.

The same criticism in a modified form applies to the Indian *rais* or notable. Often his inclination is not on a par with his opportunities to maintain close relations with his people. He rarely lives among them, or makes their life and habits of thought, their feelings and sentiments, an object of study ; he proceeds on the assumption that they feel and think as he does, which is only partially true. British rule in India has given the land peace and security, but it has failed, in most parts, to give stability to fortunes. The unceasing change in wealth, means, and the possession of property explains the

lack of interest among the generality of the rich in the development of the people and the country. A man amasses wealth, acquires property, gains position and prestige, and even a title from a recognisant Government, and is classed to-day as a notable. Sooner or later his son or his grandson, by the solvent process England has introduced in her great dependency, goes to swell the ranks of the discontented. Sir Evelyn Wood in his remarkable, though somewhat inopportune, articles on what he calls the 'Revolt in Hindustan' has referred to some of the causes of the rising in Shahabad and the adjacent districts. He has omitted, however, one important cause, which drove the sons and grandsons of the Sepoys who fought bravely for the East India Company in former days, and had obtained *jagirs* by way of reward for faithful services, to take up arms against the British Government. They were evicted from their possessions by the action of the Courts, and in their fury against the *mahajans* in whose favour they were ousted they turned against the State.

Among the many schemes that have been on the forge of late for the betterment of the condition of the people or for the promotion of contentment among the educated classes, I wonder if any thought has been paid to this subject.

This only by the way. The new notable's life, like his English compeer's in similar circumstances, has heen 'strenuous.' In many instances he has had to go through unpleasant ordeals to reach his goal; he has had to flatter the powerful functionary, and to pay court to the underlings. But with all his experience his horizon is somewhat limited. Between the older notable and his fellow-countrymen of lower degree there is often a great barrier raised by listlessness, apathy, utter want of interest. As independence of character is rather at a discount, the notable generally cultivates a proper deferential spirit towards the *huzoor*, who is the providence that holds in its hands the dispensation of honours, and whose countenance alone makes the life of a notable agreeable in his locality.

New aspirations, new thoughts, and new ideals have sprung up in British India. Their manifestation in certain parts has been attended with regrettable incidents, which are certain to discredit their influence on the outside thinking world inclined to sympathy. Many of the ideas are, it is true,

hardly practical; some are, indeed, incoherent, and if carried into effect are likely to throw the country into disorder, and to cause incalculable mischief and misery. And yet, however much we may deprecate their existence, it would hardly be wise to leave them out of consideration. They must henceforth be counted as factors in the work of government, as the natural out-come of two distinct forces acting upon an old civilisation that is part of the people's life and is intermixed with their whole social and religious organisation. One of these forces is emphatically conservative, whilst the other, deriving its nurture from outside, is perhaps aggressively democratic. It is not merely their disappointment with official Liberalism which drives certain sections in Bengal into the arms of Labour members of Parliament; it is the democratic impulse that has manifested itself in various directions which makes them lose sight of the treatment meted out to their countrymen by the Labour party in South Africa, British Columbia, and other places.

As was to be expected, Islam in India has received an unmistakable impress from Hinduism, with the result that some of its original conceptions have in the course of time become modified. In its essence, however, like primitive Christianity, it is democratic—almost tending to Socialism. It recognises no priesthood, acknowledges no caste distinctions. In the mosques all men are equal; anyone with the necessary knowledge can officiate at the services; there are no family pews specially set apart for the rich or high-placed. Hinduism, on the other hand, is essentially conservative. All its instincts, traditions, and institutions favour exclusiveness. While maintaining the purity of caste—they also conserve its privileges. Hindu home-life, again, and the influence of women, of whose force we have little conception, guard against alien intrusion of thought or practice within the home circle. Institutions sanctified by the observance of ages, privileges enjoyed as part of a religious system of a hoary antiquity, receive within the sacred precincts of the home as much respect to-day as fifty or a hundred years ago. But with the conservatism is now combined in the domain of political conceptions a strong democratic tendency in the assertion of equal rights for all castes and all classes; and *Brahmans* and *Sudras* are found on the same platform in the pursuit of

a common object.

How these two antithetical forces, one conservative, the other democratic, are working together in moulding the ideals of the people of British India, and even altering in some tracts the national character, is a subject of supreme interest.

There is nothing even remotely analogous to this in the native States, where the conditions are widely different from those prevailing in the territories directly subject to the British Crown. Similarity of manners and customs must not blind us to the apprehension of this difference, or of the fact that, although the people of the native States are influenced by the development of thought in British India, the action is by no means reciprocal.

Two political schools are at this moment contending over the origin, aims, and tendencies of the movement which has developed into 'unrest' in certain parts of the country. One considers it a healthy sign of national life, while the other is equally vehement in its denunciation. One talks of 'self-government' before the people have realised the value of compromise and the responsibilities of citizenship ; the other pours ridicule on such modern democratic conceptions, and places its trust in what it calls 'the ingrained feudalism' of the land.

The idea of dissociating the educated classes from the administration, or creating a cleavage between them and the richer sections of society, is based on a misapprehension of the national characteristics. Education or the pursuit of learning has never been in much request among the opulent or even affluent ranks in India. The cultivation of letters has always been left to the middle strata. Be they highly cultured or less educated, they form the backbone of the nation ; they supply the State with talented functionaries, lawyers, and physicians ; they furnish the large subordinate machinery with whose help the country is administered. In this connexion another fact should not be lost sight of. In the East generally—and India is no exception to this rule—learning enjoys a degree of respect little konwn in European countries. A *pandit* or a *maulvi* receives far more consideration and often exercises far greater influence than a *rajaa* or a *nawab*. When we realise this we can understand the part the students are playing in the disturbed tracts, apparently with the assent of their elders

and the tacit approval of the people to whom they offer their guidance. No one deplores more than I do the enlistment of young students in the cause of any agitation. It unsettles their minds, prevents healthy development, and becomes the source of mischief to themselves. But the explanation of the part they are made to play deserves attention.

Nor must it be forgotten that the chiefs and notables are hardly different from ordinary folk in their prepossessions ; and the class whom it is sought to discredit is not without influence or prestige even among them. The refusal of the priest to officiate at weddings or funeral ceremonies would soon bring the richest *raja* on his knees. Here I might point the moral by mentioning an incident within my own knowledge. A high judicial officer of great enlightenment was once staying at the same hotel as myself at a hill station. As he always persisted in taking his meals in the solitude of his room, I ventured to ask him the reason of his seclusion. His answer was extremely pertinent and conclusive—'I have still daughters to marry !'

It will thus be seen that the situation is more complicated than one imagines, and needs an earnest and honest endeavour to reach the minds of the people without essaying the somewhat impossible task of 'getting into their skins.'

We often hear of the veil behind which the Oriental hides his thoughts. The Oriental is not more secretive than any other ; sometimes he is less so. But his plane of thought is not the same as that of an Englishman. Environment and upbringing, as is natural, cause the difference. If the Indian possesses any independence of character or holds convictions he is not a *persona grata* in the official world, and this he knows. Mental invertebrateness, he finds, has its uses ; he tries to say what is pleasant and nothing more. His mind is indeed, behind a veil !

The superimposition of the utilitarian and not very altruistic civilisation of the West on the Indian civilisations has produced some anomalous features. For years past Englishmen have been engaged in diffusing Western ideas among the people. The effort has been to Christianise, Europeanise, modernise Indian thought and Indian life, to break down old customs and habits, to alter social institutions and family conditions, to develop a national sentiment. In some directions the effort

has met with success, in others with hopeless failure. And now that after several generations of continuous labour it has begun to bear fruit, the result is viewed with surprise mixed with resentment. The very contact with Europeans has had an effect on the national character and national ideals. In the absence of legitimate outlets the roused consciousness of latent energies turns into unreasoning discontent. To contend with this we seek to turn the tide of development—very much like Mrs. Partington's efforts to mop the ocean.

Again, the failings which every virile race despises were stigmatised as 'Oriental attributes,' and Indians were invited to cultivate self-respect, independence of character, manliness, and originality of thought—qualities which they were supposed to be wanting in. It is an extraordinary circumstance, however, that the possession of these very qualities is a serious handicap to those who have them; whilst servility and sycophancy, despised in theory, receive encouragement in practice. The effect of this cynicism is disastrous on the national character of both Hindus and Muslims, It leads to the cultivation of opportunism in its worst form.

Christianity, like Islam, teaches human equality. In India a new caste, the caste of colour, has been superimposed on the old existing ones. Al-Biruni[1] says the caste distinctions of the Hindus began with difference of colour. That conception, if ever existed, has disappeared. Modern Hinduism recognises no caste that is not founded on birth within the exclusive circles sanctioned by its religio-social system. The Hindu understands the caste-distinctions in England founded on wealth; he cannot understand the claims of a Brahmanical superiority based on colour. The barriers which this new caste raises in India against social equality, and which in the South African colonies stigmatises Indians as 'coolies,' and tries to deprive them of their legitimate rights, naturally impart an acerbity to the character of the people that otherwise it does not possess.

These conditions add to the difficulty of governing a conglomeration of races not only alien in genius to the dominant class, but differing among themselves in the peculiarities of

[1] An Arab historian and philosopher who visited India towards the close of the tenth century.

their character. The various nationalities of Europe, however divergent from each other in their practical and moral ideals, have one bond of union—they all possess a faith traceable to a common origin. Community of traditions in Western Europe which contributes so largely to uniformity of advance in material civilisation supplies another bond. In India both these elements are wanting. The Indian races descended from divers stocks, although living side by side, often intermixed in villages and townships, profess different relegions and possess no common traditions. They differ from each other not only in creed, but also in their ethical standards. Climate and environment again give rise to marked divergences in character and moral aptitude in people following the same religion and belonging to the same stock. The spread of Western education and the infiltration of foreign ideas into strata that are ordinarily supposed to be impervious to outside influences have brought about a strange tightening of the bonds of nationality. Fifty years ago a writer described Hinduism as a system 'whose tendency was to split its votaries into a multiplicity of petty communities, having with each other nothing but distant and constrained social intercourse and relations.' And he went on to add:

> The bars to intimacy are insuperable, and encroachments on the petty demarcations, not only of caste but sects of castes, are jealously watched. Minds trained from infancy to such a school are imbued with the contractile spirit of pertinacious sectarianism, and though they may be greedy of power and wealth and extremely patient and subtile in the pursuit, yet they enter upon such a career incapacitated for the entertainment of those comprehensive views which enable ambition to establish empires.

To-day, although the stringency of caste and caste-institutions has considerably relaxed, the strength of Hinduism as a national religion, as a social system, has developed in all directions. In every part and in every caste and stratum of society the Hindu is more a Hindu than ever. It is easy to deride his customs, but not so easy to understand the extraordinary change that has come over him. As a thoughtful writer in the *Hibbert Journal*[1] observes, Hinduism abandoning its old

[1] October number.

adaptability which enabled it to embrace in its pantheon the gods of every tribe and people whom it subjected or with whom it came in cantact, 'is now engaged in organising itself and delimiting its frontiers.. it is striving, with a success that is certain to be increasing and enduring, to slough its superstition, and to recover and conserve the spiritual contents of its ancient heritage.' The nationalistic movement, which is supported by members belonging to such reforming bodies as the *Arya Samaj* and the *Brahmo Samaj*, is but a part and parcel of the religious striving.[1] And although diversity of development attained during the last half century, diversity of sentiment and interest modify the intensity of the movement, it would be a mistake to ascribe it to ephemeral causes.

A similar tendency has manifested itself among the Muslims but owing to peculiar idiosyncrasies its results among them are more variable and less definite.

In these circumstances every information regarding the national life and character will probably have an interest, if not value, as likely to explain many of the present symptoms. In this hope I propose to sketch briefly the chief characteristics of the principal races and peoples inhabiting the parts of the country with which I am most familiar, and whose peculiarities I have had opportunities to observe and study. Whatever observations I offer here are not merely those of an onlooker who has watched alien usages and the development of alien races at arm's length. My study is, in one case, from inside, in the other from intimate association with all grades of life in almost every district in Bengal and Upper India.

Probably no country in Europe, not even Austria, European Turkey, or Russia, presents such diversified racial peculiarities or contains such varied elements as Upper India and Bengal. In the Punjab (to mention only the prominent races) live the *Pathans*, the *Beluch*, the *Sikh*, the *Brahman*, the *Rajput* and the *Jat*, mixed with the descendants of Arabs, Persians, and other settlers from the West.

The Gangetic basin, where the ancient Aryans, after leaving their original settlements beyond the Sutlej, established kingdoms and evoled a civilisation of a very high order, is the

[1] It is noteworthy that conversions to both Islam and Christianity have greatly fallen off in recent years.

Hindustan of the Emperor Babur. Al-Biruni calls this region 'the home of the greatest heroes and Pharaohs of the Hindus.' Here live the descendants of the Muslim conquerors of India of divers stocks, *Arab*, *Pathan*, *Mughul*, *Persian*, *Turk*, side by side with *Brahmans*, *Rajputs*, *Kayesths*, and Hindus of other castes.

In Bihar we find the same elements: Muslims descended from settlers and colonists from Afghanistan, Persia, Arabia, and Central Asia; and Hindus of all castes, *Brahmans*, *Rajputs*, *Babhuns*, *Kurmis* and many others occupying the lower rungs of the social ladder of Hinduism. In the district of Shahabad, at one time the nursery of the Sepoy army, the preponderating elements are the *Babhuns* and *Kurmis*.

The Muslims of the upper rank consist of the descendants of the Prophet and of *Pathan* settlers, whilst the lower strata are composed of the progeny of converts from Hinduism.

Western Bengal is inhabited by Muslims, descended partly from old settlers beyond the Indus, and partly from converts and Hindus of various castes. The lower castes in this part of the country show distinct non-Aryan characteristics. In Eastern Bengal the Muslims form the majority of the population, whilst the non-Aryan type is predominant both among Hindus and Muslims. This is just a rough sketch of the racial constitution—so to speak, of northern India, Bihar, and Bengal.

The middle-class Hindus of the two provinces of Bengal have received from the English the designation of 'Baboos.' Originally applied in an honorific sense, though erroneously, from an inadequate knowledge of the meaning, it has come now to convey a somewhat depreciatory idea, and its use is accordingly resented by those who until quite recently accepted its application as a compliment. Its origin has a curious history. In Upper India and in Bihar the word 'Bahoo' is the ordinary title of Hindu magnates and of the younger sons of *rajas*. With the first estabishment of their factory in Bengal the English came in contact with a clerical class of Hindus, who soon acquired proficiency in the Engish language, chiefly in missionary institutions. Unacquainted with the Mughul appellations applicable to the different grades of society, the Engish 'factors' gave to all Bengal Hindus above the rank of

menial servants the title of 'Baboo.' The word is now supposed to represent a type. In a restricted sense it denotes a writer or clerk, and conveys practically the same meaning as the term 'Lalla' in Upper India. Government or mercantile office, no *zamindar's serishta* in Bengal, is without its full compliment of 'Baboos'; the 'Head Baboo' is, in fact, the virtual ruler of their internal economy. The 'Baboo' is as much at home in a lawyer's office as in a department of State. Wherever he happens to be, he holds all the threads in his hands. His patience, under adverse circumstances, is remarkable; he will work for years in an office as an 'apprentice' on no pay, with the prospect of getting a paid employment ultimately. On week-days it is an interesting sight in the metropolis and large towns to see the clerks in mercantile and Government offices trooping to their work from all quarters of the neighbouring townships and villages, in trams in trains, in boats, and ancient vehicles of sorts, with a look of half-resignation, half-determination, which is not without its pathos. In fact, the pathetic look does not disappear until the 'Baboo' has become the 'Head.' For a pittance which will not keep body and soul together in an English working man, he will expatriate himself into distant provinces. He will be found shivering at Quetta or Simla. Clannish to a degree, sharp, shrewd, always with an eye to the main chance, inclined to bully the weak and cring to the powerful, they form a community of their own.[1] Among their own people they are called the *Kerani* class, from the Indo-Portuguese word *Kerani* or writer.

Writing of the inhabitants of Upper India and Bengal in the early part of the nineteenth century, Elphinstone contrasts them thus:

> The Hindustanies on the Ganges are the tallest, fairest, most warlike of the Indians; they wear a turban and a dress resembling that of the Muslims; their houses are tiled and built in compact villages in open tracts; their food is unleavened wheaten bread.
>
> The Bengalis on the contrary though good-looking, are small, black, and effeminate in appearance; remark-

[1] A good description of the 'Baboos' (the clerical class) and of their chief charact ristics is to be found in a work called *The Hindus as they are*, by a Bengali scholar of great literary talent.

> able for timidity and superstition, as well as for subtilty and art. Their villages are composed of thatched cottages, scattered through woods of bamboos or of palms; their dress is the old Hindu one, formed by one scarf thrown round the middle and another thrown over the shoulders. They have the practice, unknown in Hindustan, of rubbing their limbs with oil after bathing which gives their skins a sleek and glossy appearance, and protects them from the effect of their damp climate. They live almost entirely on rice; and although the two idioms are more alike than the English and German, their language is quite unintelligible to native of Hindustan.

Although physical conditions and habits of life have not altered much since Elphinstone drew this picture, the diffusion of education on Western lines, facility of travel, and general intercourse and community of political and religious ideas have effected a startling change in the character of the people. It is not so long ago that, in the villages of Bengal, bands of youths belonging to rival factions (dals) could be seen arrayed in hostile ranks with their clothes tucked 'up-country fashion,' challenging each other with uncomplimentary epithets to 'come on.' The onlooker's patience was often exhausted with waiting to see if the furious wrath that seemed to animate both sides would really end in a fight. But as it led to nothing—even the mischievous offer of a rupee to the bold youth who would strike the first blow failed to elicit the wished—for response—he retired disappointed. And now young students stand up with 'sticks and umbrellas' to the 'up-country' and English policemen, who until quite recently were objects of dread to the respectable householder of Bengal.

As a rule Bengal discountenanced physical exercise as unseemly exertions, and a Bengali gentleman riding was an unusual sight. Now, not only English games are popular, but gymnasiums have been established everywhere to teach the Bengali youth the hitherto unaccustomed art of using the *lathi*, and young men band themselves under the name of 'National Volunteers' to carry out by force the bidding of their organisers.

Among the many signs which indicate a change in the

Bengali national character, not the least noticeable is the readiness with which many of the prominent popular leaders seem to take the risk of incarceration, so dreaded in former days, in the prosecution of their objects. That a respectable professional man should elect to go to gaol for the sake of a principle would have startled the people a few years ago, but now it seems to be taken in the ordinary course.

What is predicable of the Hindus in Bengal cannot, generally speaking, be affirmed of the Muslims. Religion and social usages give rise to differences not only in type, but in character. Such of them as are fortunate enough to remain affluent in the *bouleversement* which, with the help of the tribunals, is going on in their midst, betray few signs of the energy or enterprise of their forefathers. With a touching faith in the good intentions of Government—and we all know more than one place is paved with good intentions and wise resolutions—they combine, generally speaking, a listlessness which disinclines them to concerted action for their own betterment. The commonalty, however, have always been noted for greater sturdiness than their Hindu compatriots in the same ranks of life. Less agile in intellect they are, as a rule, more manly and robust. How far the present conditions will assimilate the two communities remains to be seen.

Whilst the native of the Lower Provinces with few exceptions, dislikes physical exertion, the 'up-country' man, as the native of Bihar and the North-West is generally called, loves bodily activity and exercise. He is brave, inclined to swagger, frank, high-spirited, and on the whole, tractable. With his pugnacity he joins a certain boyish playfulness and simplicity of character. These qualities are marred by a dash of cruelty when the blood is roused. But the general characteristics vary everywhere with the ethic stock. Thus the 'up-country' *Brahman* or *Rajput*, so far as character is concerned, has little in common with the clever 'Lalla'—the designation of the clerical class in Bihar and Northern India. Owing to their proverbial courage and faithfulness, 'up-country' men are in great request in Bengal as *durwans* (a corrupted form of the Persian *darban*) or doorkeepers, in the houses of the rich and well-to-do ; and the richer the individual the more *durwans* he has in his employ. They guard his *zenana*, or women's apartments, run

with the palanquins of the ladies, and sit beside the coachman when the master goes out. The European banks and mercantile offices in towns and mofussil stations are similarly guarded by *durwans* from Bihar and the North-West, the police froce is exclusively recruited from Bihar, the North-West and the Punjab. The 'up-country' man, in fact, plays in Bengal the *role* of the Swiss in France in pre-Revolution days.

In the Lower Provinces, boundary disputes between rival landlords frequently end in serious fights. For these purposes it is usual to retain bands of 'up-country' *lathials*, a very expressive word, faint recollection of which, no doubt, is still retained by retired Anglo-Indian officials who have been concerned at one time or other with the preservation of peace or the administration of justice in Eastern Bengal. The long, thick stick, made of bamboo, called a *lathi*, is in the hands of its professional wielder (the *lathial*) a very effective weapon in deciding questions of possession. In Upper India and Bihar the buffalo-herd usually carries a thick stick six or seven feet long, girt with iron rings, with which he has been known to beat off the marauders of the jungle attacking his herd.

In Bengal the native of Hindustan has now found a new vocation in teaching the young men wrestling, fencing, and drill. The 'up-country' policeman, especially in remote districts, is not a favourite. He rarely understands the language of the people, his manners are to them rough and uncouth. Truculent and harsh in his behaviour not infrequently cruel, his unpopularity reacts on the administration.

The honesty of the *durwan* is proverbial. Entrusted by his European and Indian employers with considerable sums of money, he has rarely been found to fail in his trust. He is a clever business man, but unconscionably usurious. Many have been known to retire to their villages with large fortunes made from usury.

These remarks, though not on the surface bearing on the subject, will give some indication of the characteristics of the different races and peoples according to their respective *habitat*. In judging of these we must remember Bihar and Upper India are cold in winter and dry in summer ; in Lower Bengal the climate is mild in the winter and exhaustingly damp in the hot-weather months.

But no adequate notion can be formed of the divergences among the various races unless we examine them separately.

The bonds of common religion and unity of traditions constitute the Muslims into perhaps the only homogeneous nationality in India. They certainly exhibit many general characteristics which distinguish them from their Hindu compatriots. The Muslim's pride is the legacy of his past history; his manliness is only partly racial. In a great measure it springs from the teachings of his religion, which inspires him with a sense of human dignity and independence. His conception of divine authority induces him to loyalty to constituted authority. In common parlance the Musilms are divided into four groups—*viz.*, *Syeds*, *Mughuls*, *Pathans*, and *Sheikhs*. Although only roughly correct, this division gives a fair idea of Muslim colonisation in India. The descendants of the Prophet are naturally held in the highest estimation throughout the Muslim world. In the East they receive the title of Syed ('lord'), in the West that of *Sharif* ('noble'); they form, infact, the nobility of Islam. The respect they enjoy and the infiuence they exercise lead many impostors to assume the title. Genuine descendants of the Prophet however, are settled in fairly large numbers in different parts of the country.

The Persian historian of India, Firishta, ascribes several characteristic qualities to the Syeds, among others learning, bravery, modesty, politeness, hospitality, compassion, and charity. How many combine these virtues it is difficult to say; but I believe the pursuit of learning and the cultivation of the mind is more common among them than most other Muslims. They are generally industrious and persevering, but carry the virtue of hospitality often to the verge of self-ruin. Their women are better educated, and consequently exercise greater influence. Muslim governesses, called *atoos*, are, or were, mostly Syedanis—ladies of Syed families who had to earn their own living.

The term Mughul includes the Persians and Central Asian Turks, whose influx began with the early Muslim settlements; but whilst the latter practically abandoned India about the middle of the eighteenth century as a field for the exercise of their energy and talents, the Persians still continue, though in smaller numbers, to settle in Upper India and in commercial

seaport towns.

The Persians have been likened—I think by Sir William Jones—to the French. Whether the comparison is in their favour or not, they certainly possess great commercial aptitude, and are extremely clever business people. At one time the port of Hooghly—Calcutta had hardly come into existence—was covered with the palaces of Persian merchants; and, towards the end of the eighteenth century a Persian merchant founded the most important charitable and religious endowment in Bengal. Unfortunately their Indianised descendants do not exhibit the same robustness of mind or body, and are fast falling into decay. The Persian women are *petite*, pretty and fair of complexion, and have always enjoyed in India a reputation for culture, refinement, and good management. No Muslim family of any pretension was until quite recently without a *Mughulani* (a Persian lady, or lady of Persian descent) to regulate the internal economy and maintain the household in order.

The earliest Muslim settlers and colonists, however, belonged to the Afghan race. Their descendants are to be found in every part of India. Bengal was for a long time their stronghold, until Akbar the Great broke their power and reduced them to subjection. They bear in India the name of Pathan, a corruption of the word *Pakhtanieh*.

To understand the Pathans of India one must know something of the Afghan character. The western tribes, particularly the Durrani, to which the present royal family belongs, are regarded as showing the best features. They are brave and hospitable, generous and kindly of disposition, and accustomed to the amenities of civilised life. Among them there is less pressure of population, less competition for pasturage and land, and consequently less display of the viler passions. As a rule, however, the Afghan is jealous of his independence, impatient of control, and until Ameer Abdur Rahman put the bit on him, intractable.

The bulk of the Afghan settlers in India come from the eastern tribes, chiefly the Yusufzai. The eastern Afghans are hardy and brave, frugal and laborious, kind to their dependants and faithful to their friends. But with these admirable qualities they combine vengefulness, obstinacy, and envy, defects which have thrown a lurid shadow across the whole history of Muslim

India.

The Yusufzals, who founded the largest Pathan colony in India, are described as a brave and hospitable race. They possess in a remarkable degree the spirit of adventure, and their industry is proverbial. Their great settlement in Northern India is in Rohilkund, to which they gave their name—the country of the Rohillas, the hillmen, from *Roh* hill. These Rohillas proved their prowess on the battlefield against the combined forces of the East India Company and the Nawab of Oudh when Warren Hastings gratuitously attacked them. The industrial aptitude of the Pathan can be best judged by the work done by them in Rohilkund. 'Here the Yusufzai colonist,' remarks one writer, 'converted the coutry in to a veritable garden.' Although lacking in artistic talent, the Pathans have always been great builders. Hence it has been said that they designed like giants and finished like jewellers. But their genius is assimilative rather than creative.

The Pathan women are, as a rule, tall, handsome, and fine-looking, showing both physical strength and force of character, and are regarded with considerable respect by the other sex, and often exercise great influence.

In the term *Sheikh* are included the descendants of the converts—from Hinduism and settlers from the west who do not belong to the other groups. No particular reference to their characteristics seems necessary.

The Indian Muslim, as a rule, is hospitable, generous, and charitable, and although not so precocious or so apt to develop quickly as most of the indigenous races, physically and morally more robust and virile. Female infant life is much more cared for among them, and early marriages are discountenanced; and women—generally occupy a higher position. Among the Hindu peasantry of the Punjab, Upper India, Bihar, and even Bengal, women take a great part in the labour of the field; the Muslims of the same class rarely employ their women on hard work.

But these qualities in the upper classes are marred by others of a different kind. Often wanting in perseverance and the pertinacity which acknowledges no defeat and brooks no obstacle, they cannot prosecute common objects to a successful issue. Nor do they possess the adaptability which enables their

compatriots to conform so readily to the changing moods of the times. Generally speaking, fond of ostentation, they iack the spirit of thrift. In Upper India and Bihar they are deficient in the commercial instinct which enables many of their compatriots, and even their co-religionists on the western coast, to turn two and two into eight.

The spirit of individualism noticeable in many Muslims of India is by no means peculiar to them. Among the Hindus caste is very largely a corrective to the disruptive failing ; while the new religions and political conceptions that are working among them tend gradually to draw together, without blending, tribes and castes which until now were most antipathetic to each other. Among the Muslims there is so far nothing similar to counteract the egotistical and centrifugal tendency ; on the contrary, it receives encouragement from outside, and an consequence Muslim society to-day is in a deplorable state of disintegration. There is little community of thought or intelligent comprehension of the general good. The prosecution of individual objects and the promotion of coterie interests occupy the thoughts of most of the prominent men.

I am afraid my remarks will not be received with favour by many, but my object in calling attention to some of the failings of my people, for whose advancement I have laboured for years, is that they should apply the necessary corrective, which can be discovered only from self-examination. The teachings of contemporaneous history, better comprehension of the precepts of the Master whom they follow, and, above all, the example of other races, are having their natural effect on the character and disposition of the younger generation of Muslims. They seem to realise the value of co-operation in the prosecution of national objects. Western education has broadened their vision and widened their horizon. With a clearer insight into the needs and requirements of their people, they are less inclined to take an optimistic view and stand still. And although they are patted on the back and advised by the lovers of the picturesque in costume and moral aptitude to keep themselves swathed mentally and physically in the old garments, they seem disposed to take up the burden and swim with the tide of progress.

These factors are naturally having an effect on their

character and their ideals, and explain the anxiety to play their legitimate part as citizen-subjects of a fairly progressive Government. But they lack guidance. Without intelligent patriotic leading they are at present in the predicament of a ship without a rudder. Thus, in their desire to share in the life which is animating Hindu society many of them forget the necessity of being regarded as co-ordinate members of the body-politic, rather than as mere adjuncts to a powerful organisation over which as such they can exercise little or no staying influence.

The Hindu castes and sub-castes exhibit the same differences in characteristics as the Muslims. But they also possess common traits which, under present conditions, make for unity. For example, whilst the Brahman favours intellectual pursuits, the Rajput evinces a peculiar distaste for all which requires exertion of the mind. Both, however, are strongly anchored in the conservative tenets of Hinduism. The Brahman's superiority in intellect over the other castes is the outcome of centuries of trainining and exclusive breeding. Sherring has described him as dogmatic, self-willed, and arrogant. Proud of the sanctity in which he is held, and conscious of his acknowledged intellectual pre-eminence, it is only to be expected that he should display some amount of self-appreciation. But he is at the same time clever, subtle, and extraordinarily tenacious of his rights and privileges. The Brahmans of Bihar and Upper India do not yield in courage and bravery to any other Hindu caste. And in the pre-Mutiny days the Company's armies contained large numbers of them, which gave rise to the generic name of 'Pandeys' for the mutinous Sepoys.

Within recent years the Brahman's claims to occupy the foremost position in Hindu society, so far as mental aptitude and ability are concerned, have been challenged by other castes, and the Kayesths of Bengal have produced men little inferior in mental attainments. In Bihar and the Upper Provinces, however, few members of the non-Brahman castes, save the Kayesths, have so far shown any remarkable mental development. This is somewhat curious, as under the Mughul rule scholarship was not confined to these two castes. Many Rajputs occupied a distinguished place in science and literature, some as astronomers, others as poets and historians. English

education has made some progress in the upper ranks, but the ordinary Rajput is still steeped in ignorance, still believes in omens and auguries; he is extremely strict in the observance of the ceremonial rites of his religion, and a blind follower of his spiritual preceptor. His strong passion for gambling and intoxicants betrays his Scythian origin.

The Kayesths, the well-known clerical class of Northern India, form a community of their own. Clever and versatile, they have ever since the establishment of Muslim power in Hindustan supplied the lower grades of the State service. As village *Patwaris*, as clerks in the various administrative department, they have almost the monopoly. Astute, clever, and keen-witted, they hold the same position in Northern India as the *Kerani* 'Baboos' in Bengal.

The Jats, who are found principally in the Punjab and the Cis-Sutlej districts, owe allegiance to Islam and Hinduism in fairly equal proportions, although in places the followers of one faith outnumber the other. The Jat is supposed to belong to the same ethnic stock as the Rajput; but in characteristics they differ widely. Whilst the latter is indolent and wasteful, the Jat combines thrift and industry with bravery and shrewdness amounting to cunning. His independence often leads to quarrelsomeness.

The Babhuns of Shahabad, Ghazipur, and the neighbouring districts, who at one time were found in large numbers in the Company's armies, and from among whom the police force in the Lower Provinces is recruited exhibit the same virtues and the same failings. They are brave, industrious, generally thrifty, loyal in their friendship, and faithful to their pledges. But these qualities are marred by others of a different kind. They are grasping and selfish, and among the upper ranks inclined to indolence and self-indulgence.

In the middle of the sixteenth century an electic teacher of Hindu origin founded a new sect in the Punjab, which in the turmoil of the eighteenth century grew into a nationality. Mostly drawn from the Jat community, the Sikhs possess the Jat characteristics. Inspite of the training they received before and after the rise of Ranjit Singh, which turned them practically into a nation of soldiers, they have retained their aptitude for agriculture. The Sikh is rather given to brag, and

inclined to be truculent and domineering.

All these and other tribes and castes, differing from each other in moral characteristics and mental capacity, have, beyond the special tenets and rules of their comprehensive and complex religion, one link of sympathy which has greater influence in drawing them together than the religion itself-namely, the sanctity in which they all hold the cow. The extraordinary effect of this cult can be judged from the following incident. An accomplished Brahman, a man of wide sympathies and a scholar, who had travelled much in Europe, assured me that if it ever came to a conflict on this question it would be his duty to take side with his people, 'as the women were all against the slaughter of kine!'

The Hindu population of Bengal is traceable to so many stocks that differences in racial characteristics meet one at every turn. Force of character and weakness of aim live side by side. Bengal has produced from the days of Chaitanya to those of Ram Mohan Roy and Vidayasagar numerous men distinguished for mental and moral vigour. We know of the indictment levelled at the people of Lower Bengal by Lord Macaulay. But it is easy to stigmatise a nation. Only the other day I read in the letters of a German diplomatist the sweeping assertion 'the French are by nature liars, it is in their blood'. Reckless statements like these naturally cause resentment. The Bengali has his failngs like other people, but he has many virtues. He has strong family affections, is attached to his parents, devoted to his children, faithful to his friends, charitable and frugal, and possesses a keen intellect. His chief fault is that he is inclined to be vindictive and to waste his substance in litigation The untruthfulness of which we hear so much is confined for the most part to the ignorant classes, whilst the proneness to exaggeration he shares with other nations not always Asiatic.

These are some of the features in the national character which, in view of the present circumstances, seem to possess more than ordinary interest. However much it may require regulating, directing, and keeping within the proper channel, the movement itself is not an unhealthy sign of development. The changes in English political thought and society witnessed in the Early Victorian period, and which brought to

the forefront the growing influence of the middle classes, help to explain some part of the phenomena now observable in India. The movement requires firm but sympathetic handling; the time for the traditional methods of treatment has gone by. The classes which, say what we may, exercise an influence over the population, will be no more satisfied with mere words or appearances.

THE NINETEENTH CENTURY,
November, 1907, Vol. LXII, No. 369 pp. 699-715.

ANOMALIES OF CIVILISATION

A PERIL TO INDIA

By far the most important problem of modern times in the domain of practical politics is the future relation of the East and the West. Their impact has created a movement which was inevitable and, in some instances, desired; but which is nevertheless regarded in militant sections of the Western world with the fear which overtakes all monopolists on the least appearance of competition. Under the influence of this feeling what might be welcomed as signs of progress is labelled 'unrest'; and European nations of diverse tendencies are invited to close up their ranks, for the spirit of the age must be kept in check from doing its work among Eastern races. How long those efforts and exhortations will succeed in maintaining the present state it is impossible to tell, but it is somewhat incongruous to find the same sentiment which is honoured in one continent condemned in another; whilst expressions carried from the West to the East either lose their significance or connote different ideas. Thus what is 'patriotism' in Europe becomes 'fanaticism' in Africa and Asia; and the desire for progress and development, 'restlessness' in Eastern lands.

It is not necessary to go far back into history to show the influence mere names have exercised on the destinies of the human race; we have an interesting illustration in our own times. A few years ago 'Spread-eagleism' was used for mere purposes of ridicule; christened 'Imperialism' it has acquired a holy meaning—it sanctifies crusades against the liberty of weaker States. Not only has the Empire of Great Britain an imperial policy which has enabled it to appropriate vast territories in every part of the globe, but the mighty Republics of the United States of America and of France have similar policies of an equally decided character. One would have thought that 'Imperialism' was inconsistent with 'Republicanism', but here come into play some of those

anomalies which make modern civilisation, with its mixture of humbug and hypocrisy, such an interesting study.

In the Middle Ages religion furnished the pretext for the spoilation and enslavement of alien races. In the fifteenth century the Pope divided the world beyond Christendom between the Portuguese and the Spaniards. In the prosecution of the task imposed on them by the Head of the Church, the Portuguese in the East Indies, the Spaniards in the West, made hecatombs of races and civilisations. Spanish ferocity caused the destruction of three brilliant civilisations so widely apart as the Moorish, the Aztec, and the Peruvian, and reduced to helotage three fine races. 'Spain', said an American Senator in the late Hispano-American war, 'set up more crosses in more lands, beneath more skies, and under them butchered more people than all the nations on earth combined'.

To-day other shibboleths have taken the place of older ones; religion has made room for what is called 'Western civilisation.' 'The white man's burden' has elbowed out the Gospel, whilst trade has become more important than 'evangelisation.' Although the missionary, in his efforts to avoid martyrdom, has always at his back ironclads and big guns, the Bible is not forced upon unwilling people with the same fierce proselytising zeal as a few centuries ago; it is now trade which they are compelled to admit whether they will or not. They are no more converted, they are 'civilised.' Civilisation is brought to their doors with beat of drums and clangour of arms, in the shape of trousers and top-hats, drink, disease, infant-murder and prostitution. There was something definite and ennobling in the conception of religion; and though the adoption of a new faith did not usually bring the converted equality of rights with the converting missionary, soldier or priest, it promised at least some compensation in the next world. The new creed does not hold out any such prospect. They drink and they die, and there is an end of it. But the fat lands remain to reward the labours of the civilised man. In the intensity of conviction in his 'mission', the follower of the new creed rivals those of the old. The champion of Jehovah restricted salvation to birth in Israel; the champion of 'Western civilisation' confines it to a special colour. With him it is a primary article of faith that, whatever may be the case

in heaven, the kingdom of the earth is for the white skin. And the products of the ghetto and the slum are equally vehement, equally clamorous in the assertion of special claims to civilisation, with the privileges which it carries.

We are thus face to face with a peculiar situation which in the struggle for 'grab'—that delightfully simple yet expressive Americanism—we have neither the time nor the wish to study; the incongruity does not strike us as anything out of the common. The Pagan Empire of Rome extended to all its subjects the rights of citizenship, and the 'provincial' was as much entitled to the full enjoyment of those privileges as the Roman-born. The Christian Empire of Great Britain cannot secure considerate treatment for its 'provincials' in its own Colonies. South Africa presents at this moment an extraordinary spectacle of what a mixture of high altruistic pretensions and rank selfishness can produce in the name of civilisation.

Probably it will not be disputed that the higher races of India have attained a place in the scale of development which compares favourably with many nationalities ordinarily regarded as civilised. The general diffusion of modern education has brought many of them into line with the foremost ranks of culture in the Western world. Save among special or backward communities, the spirit of enterprise has never been lacking among the people of India; and the process of unification which is in progress in the country has given it an extraordinary impetus. Under its impulse many Indians, in the pursuit of what, in the parlance of the day, would no doubt be called civilised avocations, relying on their status as British subjects, betake themselves to British Colonies. They are well-conducted, sober, thrifty, law-abiding people; not a few are highly educated. 'Civilisation' meets them at the threshold and brands them as members of an inferior race. The Indian may not walk on the same side-path as the Italian, the Greek, the Russian, the Jew, or Armenian, or any other 'white,' nominal or otherwise; he may not travel in the same railway compartment or ride in the same tram-car; he may not own house or land in his own name; may not live in the same street, or find board or lodging in the same hotel. If a charitable-minded innkeeper houses a late arrival left stranded

in a strange land, he must take his meals either in his own room or some hole-and-corner place where he may not be observed by people of the colour-caste to which civilisation has given birth.

The colonial attitude towards the inhabitants of Great Britain's dependency on the retention of which rests much of the greatness of England's Empire carries one back to the days of the first Hindu law-giver. No member of the lower castes could aspire to associate with the Brahman or Kshatriya without making himself liable to severe and most disagreeable penalties. Even now the Brahman or Rajput sepoy would throw away his food if the shadow of a Sudra or non-Brahman fell across his half-cooked or half-eaten meal. The Colonial has in his treatment of certain Asiatic races taken a leaf out of the book of *Manu*, who would brand a Sudra with hot iron if he had the temerity to sit on the same bench with a Brahman! This Brahmanical exclusiveness is however marked by one remarkable inconsistency. The Ottoman sovereign rules over a variety of races. The high character his Muslim subjects bear has been testified to by his enemies. But the 'civilisation' of to-day does not take into account the virtues of sobriety, cleanliness, temperance, and honesty. Evidently the modern creed is tinged with a certain mediaevalism which tabooes one faith in favour of another. It is anomalous to find that whilst Levantines, Jews, Greeks, Maltese, and others are welcomed into the Colonial bosom, the clean, sober, honest Muslim is alone classified as an undesirable Asiatic, and subjected to the humiliating and degrading restrictions which modern Brahmanism imposes on outsiders.

What, however, is more than anomalous is that the subjects of a common Sovereign should be denied the ordinary privileges of fair, generous, and considerate treatment. In the recent dispute between the Transvaal authorities and the British Indians settled in the Colony which has created such an intense and bitter feeling in India, two facts came out in strong relief—the helplessness of the Colonial Office, which kept, metaphorically speaking, wringing its hands over the dilemma of the situation; and the rather whimsical stand made by the India Office in favour of Indian chiefs and notables visiting the Transvaal!

The answer of the Imperial Government to the many appeals that were addressed to it during the late crisis conveys a lesson to the people of India which they are not likely to ignore. It supplies to the advocates of self-government on Colonial lines another powerful argument. At present they cannot make an effective retort to the insults and humiliations to which they are subjected by the Colonials; nor can they obtain legitimate protection from the Imperial Government. Self-government of the kind enjoyed by the Colonials would enable them to demand and perhaps secure reciprocity of fair treatment. We must not be surprised if some such reasoning enters into the conceptions of thoughtful Indians in the future.

A fortnight ago came the news from Vancouver that a number of British Indians, who had been passed by the Dominion authorities, were immediately informed by the provincial officials that they must be deported, and on their refusal to re-embark had been 'put in prison'. The correspondent telegraphing the news added, "it is now generally admitted that 'the Natal Act' is *ultra vires* so far as the Japanese or Chinese are concerned. The Indians say they are loyal subjects of the King, and ask why if other Asiatics are allowed to land they should be forbidden to do so. Many other persons are asking the same question. A large proportion of the Indians arriving here have served the King in the Army, and the treatment to which they are being subjected shocks even exclusionists."

As I write comes further news respecting a situation which is fast tending to develop into a crisis. This time the Dominion Government itself taking its stand behind a legal quibble, has added to the gravity of the problem that faces the Empire, which is neither exclusively European nor exclusively Asiatic, but has to maintain, for its own sake, a just and equitable balance between the two component elements.

> In what even some opponents of Asiatic immigration admit (says the special correspondent of the *Times*[1]) to be an arbitrary and indefensible manner, the Dominion Government has ordered the deportation of the

March 1908.

> Indians who were allowed to land from the *Monteagle*.... It appears that seventy-eight of the Indians on arriving at Hong Kong from Calcutta were unable to obtain accommodation in the first steamer, as it was full, and they had to stay at Hong Kong for a month. The Dominion Government rules that these immigrants are not to be admitted, as they did not come direct from the land of their birth. One hundred and five Indians came by continuous passage frcm Calcutta, but the Ottawa authorities demand proof that they are the men who purchased the tickets, and of course this proof is impossible to furnish....I saw the Indians examined by the Federal immigration officer on Sunday. Many wore medals won in the Sudan and other campaigns, medals which a certain member of the British Columbian Legislature recently termed 'tinpot adornments.'....There is in Vancouver a well-known Indian official who sails by the *Empress of Japan* tomorrow. He assumes that there will be grave danger of disaffection, even mutiny, among the native troops, if these men are deported. I can vouch for the fact that there is intense indignation among the Indians. The order spells tragedy for them. 'We are subjects of the King,' they say, 'this is part of the King's dominions. Why do they keep us out?'

A more interesting or more deplorable commentary on the methods of civilised government could hardly be furnished by any other incident in recent times. Here are the subjects of an Empire which professes equal rights for all races and creeds under its sway, and which makes in theory equity and fair treatment the corner-stone of its policy, proceeding from one part of the King's dominions to the other. There is nothing against their conduct, many of them have served their Sovereign in the profession to which civilisation accords the foremost place of honour: they posses the insignia of bravery and good conduct. And yet from accident of birth in one continent they are refused permission to abide on the soil of a British Colony and subjected to treatment which shocks even the advocates of exclusion. The feeling which these acts engender in British India can scarcely fail to cause some

degree of concern among the responsible Ministers of the Crown. Nor are they likely to forget that the Indian subjects of the Sovereign cannot apprehend the reasons which stand in the way of England in securing for them equal rights in other parts of the Empire. To the people of India she owes special obligations, both by virtue of her pledges and their place in history. Naturally, when the Imperial Government acknowledges its inability to insist upon the same treatment being accorded to them in British Colonies as is accorded to the Colonials in India, it is regarded as a lamentable confession of weakness....So long as this idea does not take an articulate shape it may perhaps be ignored as a factor in Imperial policy, but once it gives rise to a comparison, as it has begun to do, between the power of Great Britain and that of other States to protect its subjects from humiliations and restrictions the matter assumes an aspect that needs serious reflection.

Although little or no analogy exists between the East African possessions of England and the South African Colonies, the spirit of exclusiveness and monoply has begun its work also there. And it is boldly urged on hebalf of the new Europeans that have settled in the Protectorate, that British Indians should be debarred from entering this part of the King's dominions. In considering this demand it may be useful to remember what the Colonial Under-Secretary of State said a little while ago at the National Liberal Club, that Indian trade had been for generations intimately associated with the whole development of trade and of commerce throughout that tract, and that the very maintenance of the authority of the Crown was in the hands of Indian soldiers.

For ages this part of the African continent has been permeated by Arab and Indian influence. There are at present, it is stated on good authority, nearly 30,000 Asiatics settled in the country, prosperous merchants, officials, traders, artisans and labourers. All these it is suggested should be turned out in favour of European settlers. A more extraordinary claim has never been advanced in the name of civilisation. The ostensible reason for their exclusion is that the ordinary so-called 'white' settler cannot compete with the Asiatic in the struggle for existence. The Asiatic's thrift, frugality, sobriety, and temperance give him an advantage which the other does not

commonly possess. In his dealings with the natives he is less arrogant and more sympathetic, which is another point in his favour. But these qualities, which in other conditions would ensure his being regarded as a desirable citizen and a pioneer of civilisation among barbarous tribes, make him unpopular among those who are anxious to keep the Continent as a close preserve for themselves.

One would have thought that with the spread of civilisation and a higher conception of humanity and justice, European communities would evince greater toleration and accord a larger recognition to the rights of weaker nationalities. The desire to seize upon the most favoured spots of God's creation in every part of the habitable globe and prevent others from coming in can hardly be regarded as a commendable characteristic. If civilisation and humanity have any meaning, members of all civilised nationalities have *prima facie* a title to abide, if they can find room, wherever their presence is of general use. Certainly all subjects of the same Sovereign might be presumed to possess an inherent right to move from one part of his dominions to another without molestation or hindrance. But modern civilisation does not seem to acquiesce in the equitable treatment of all races with which it has civilised dealings, and from which it excepts civilised treatment. It places the claims of special communities before those of humanity at large. If the contention be right that European settlers should be allowed to flourish and multiply in new possessions which did not belong to them, and where they have recently established themselves, without the intrusion of Asiatics, might not the latter urge with greater emphasis that the intrusion of Europeans of lower grades has an unwholesome and demoralising effect on their social systems? The British Indian can easily point his finger to the difficult and complicated problem which civilisation has created in the midst of his people by the creation of a community commonly called by educated Europeans 'mean whites' and 'Eurasians.' Might not he ask with equal show of justice that undesirable aliens should be prevented from entering his country?

A little while ago a suggestion was seriously put forward that Asiatics should be 'rigidly and absolutely excluded from the African continent,' which should be specially reserved for

Europeans and the black races. In the width of its scope the suggestion was startling; probably this very fact made it more or less innocuous. But the assertion that Europeans are the 'trustees' for the black races is somewhat humorous. It is one of the anomalies of 'Western civilisation' that in its dealings with the weak it makes its own interests the standard of the gospel it preaches to the world. The Asiatic cannot ordinarily be reduced to helotage; more or less he is in the same plane of advance as the lower grade European, the same spirit of enterprise takes him into new countries. The black races, save in some special tracts, are in a primitive state; their labours can be exploited for others; they dare not compete with members of the higher or better-endowed nationalities. If they were more advanced we should probably hear less of 'trusteeship.'

Although 'civilisation' eschews the word 'slavery', it requires that the conditions of slavery should be more or less perpetuated for its benefit. We have heard much of the 'white man's burden'—the burden of civilisation he is supposed to carry. But when we come to examine it we find it extremely light. The burden nominally on his shoulders; in reality the weight is transferred is only to those whose labourers are exploited for his enrichment and comfort. The galley and the scourge have disappeared; the taskmaster still flourishes, and modern ingenuity has armed him with new instruments of punishment. The names are changed, but the substance remains. That this is no exaggeration any fair-minded student of the subject in the Congo, in parts of South and East Africa, will not hesitate to admit. The fearful havoc the work of 'civilising the Dark Continent' has caused among the tribes of Africa can be witnessed not only in the Gongo Free State but also in the German East African Protectorate, where, according to the German Colonial Secretary, 75,000 natives perished through hunger and war in the course of the last year, whilst the fierce opposition roused by the efforts of the Minister to improve the status of the negroes illustrates the general thesis. The German settler does not clothe his aims or motives in altruistic language, nor does he call himself the 'trustee' of the black races. He frankly tells the world that 'the native must be compelled to work for him and that when the use of the stick and whip no longer

avails, recourse must be had to the imposition of taxes, which he must be forced to pay by his work if by no other means.'

Civilisation has driven the Red Indians into reservations where they are fast disappearing. It has decimated the fine races of Polynesia and Maori-land. One is sometimes shocked to hear the pious hope expressed in unmistakable language that the black races will in course of time disappear, under the same process, from the favoured spots occupied by European settlers, leaving their possessions as assets to 'civilisation'.

The contact of a vigorous and progressive nationality with communities who had become stationary, or lost the genius for striving for advancement, might in India have given birth to an eclectic civilisation such as was witnessed after the settlement of the Arabs in Spain. There the result was achieved by making racial coalescement the goal. Such a consummation does not seem possible in India. Racial assimilation, owing to national idiosyncrasies, is not practicable; friendly relations between the West and the East afford the best and most likely means of bringing the two on a common platform. Intermixture of ideas where intermixture of races is not possible acts as a solvent to the ignorance and prejudices of both. And an Indian Sovereign has proved how successful this process can be.

To think of impressing European civilisation on the country, and not to enter into the feelings of the inhabitants of promoting their welfare without attempting to reach their hearts; to talk of Western culture and its requirements and not to understand the virtues or idiosyncrasies of those among whom it is sought to be introduced; to condemn Oriental ways and yet to perpetuate in public life the methods which are deprecated in Oriental Governments, is mere waste of energy.

A few students turned out from one or two institutions with a pat on the back, as the products of advanced education conducted on Western lines, are hardly the harbingers of that progress to which we all look forward with anxiety and hopefulness. The high priests of European culture would probably obtain better results if they were to encourage in the first place among their neophytes the cultivation of originality of

[1] *Morning Post*, 18th of March 1908; debate in the Reichstag.

thought, indepence of character, manliness of spirit, and self-respect, and not merely opportunism or intellectual imitativeness.

At no period in the world's history has there been so much talk about international peace with such ill-disguised preparation for war; so many protestations about and yet such unashamed contempt for the rights of weaker nations; such high appreciation of 'civilised' morals with such flagrant disregard for the dictates of ordinary morality. In olden days nations and individuals made no special claims to special virtue, and their shortcomings passed unnoticed. Nowadays the assumption of superiority naturally attracts criticism.

In the United States of America 'graft,' an euphemism for what the Penal Code of India, with a touch of grim humour, calls 'illegal gratification,' has become a science, and the art of manipulating justice and politics has been carried to perfection. In the struggle for wealth little heed is paid to the conventional rules about mutual trust and fidelity. Even racial riots may be manufactured in the States and delivered at a fixed charge in neighbouring countries. All this, though no doubt the outcome of the highest development, is little calculated to comment 'civilisation' to less advanced communities, whilst it is hardly possible for its missionaries, with the picture in their minds of the streets of New York and Chicago, to speak to the outside world with the earnestness of conviction in the new gospel that is sometimes assumed towards followers of other cultures.

The ordinary Western mind has rather a vague conception of the East—of its varied creeds and divers cultures. They are all classed in one category; some are viewed with positive dislike, others regarded with a certain indifference. But the deficiencies of the West that make it sometimes so helpless to influence the East often escape notice. To exercise stimulating effect on Eastern thought, the Western world must learn to cultivate a spirit of toleration, to understand the genius of the nations among whom it seeks to work. Above all it has to realise not only the conditions of society that have led to the evolution of particular ethical and social systems, but also its own limitations. To condemn Eastern polygamy, but the close one's eyes to the polyandry of the West, is hardly calculated

to foster a proper reverence for Occidental culture. The Oriental practice sanctioned by ancient usage, and confined within recognised limits by the rules of law, is suited for particular stages of development; it ensures to the issue of polygamous unions a degree of humanity that is impossible under the Western practice. Promiscuity cannot secure to the offspring humane treatment or rational rearing. Baby-farms and foundling hospitals are the natural results of abnormal social conditions. Eastern civilisations have condemned for ages the vice of drink; in the West drastic legislation seems needed to teach the people the value of temperance. Sobriety, however, is a virtue which cannot spring into existence under the influence of an Act of Parliament. Its growth is due in the East to ages of fostering, which the West is so far unaccustomed or unwilling to give. The preciousness of child-life has been taught in the East from immemorial times; the conscience of the West is just beginning to realise the need of its protection.

The difference in the standpoints of Europe and Asia, with regard to social conventions and duties of life, make it essential that in endeavouring to introduce Western civilisation among Eastern communities their ethical standards should be raised and not lowered. Unfortunately the tendency, with rare exceptions, has been in the contrary direction; wherever the west has obtruded itself the general result has not been satisfactory. The Protestant missionary from Madagascar, the observant traveller in Bosnia and Herzegovina, the inquiring visitor in Algeria and Tunis, all tell the same story of deterioration of morals, destruction of the old standards of right and wrong which imparted strength and character to the races, spread of drunkenness, introduction of the 'social evil' where it was wholly unknown.

Bosnia and Herzegovina, inhabited by a fine race of soldierly men, possessed of admirable qualities, were wrenched from the Ottoman Dominions to satisfy Austrian ambitions, although the ostensible reason assigned to justify the spoliation was the pacification of the country and the introduction of the 'requirements of European civilisation'. The Austrian Government has made roads, pulled down the castles of the feudal lords and established hospitals, jails, and penitentiaries; hotels have sprung up in all directions, and all the outward forms of

civilisation are in full display in the occupied provinces. With these ordinary adjuncts of progress have come also casinos and other places of a less desirable character. And in Bosnia particularly it is observed that the manhood of the country is fast dwindling from the effects of drink, which formerly was under the ban of religious law.

From the fall of the chivalrous Abdul Qadir, the French have been engaged in introducing 'Western civilisation' in Algeria, and not long ago they brought Tunis within the ambit of their operations. A nation bent on secularising its own institutions has naturally little regard for the old ideals of other communities. In Algeria and Tunis the traditional conventions of morality, that helped to form the backbone of the people, have either disappeared or made room for standards and modes of life borrowed from France. Arab Lolas figure in Algerian casinos and cafe-chantants, and give a Parisian tone to the manners and customs which have sprung up in the country under the influences of a civilisation which considers a code of morals sanctioned by religion as old-fashioned and antiquated. A meretricious taste in art and architecture imported from a foreign land has given a bizarre turn to the national genius which is deplored by all artistic natures; whilst the habit of absinthe drinking is on the increase among men, and the 'social evil' reprobated in former days has become a recognised institution. A notable Muslim who recently visited the country draws a pitiable picture of the derelict condition of the people.

The Moors, who have the French nation at their door and have watched the civilising process at work in Tunis and Algeria, object to undergo a similar treatment. But Europe will not hear of this; they have been arraigned at the bar of civilisation and condemned as a fanatical people, and France is entrusted with the mission of bringing them to reason which she is busily engaged in doing with the help of guns and ironclads.

In recent history there has been nothing more interesting, and from one point of view more amusing, than the reiterated proclamation of the absolute unselfishness of the French enterprise in Morocco. It is declared, we might say *ad nauseam*, with vehement protestations, that they have not gone there for

purposes of conquest; they are only engaged in pacifying the country, and if those, who object to the French possessing the best parts of their country and holding their *roi faineant* in tutelage, allow themselves to be slaughtered, it is their look-out!

In this connexion I may refer to a most interesting document in the letters of Queen Victoria. It is a letter addressed by Lord Clarendon to her late Majesty, bearing date the 22nd of December, 1856. Lord Clarendon encloses a communication from Lord Cowley, the then British Ambassador at the Tuileries, reporting a conversation he had with the Emperor of the French, which might compare, it was added, with 'the partitioning views of the Emperor Nicholas' Lord Clarendon then proceeds to say to the Queen.

> It is curious that in both cases the bribe to England should be Egypt. The Emperor of the French said nothing of the spoils that France would look for, but his Majesty means Morocco; and Marshal Vaillant (the French ambassador at the Court of St. James's) talked to Lord Clarendon of Morocco as necessary to France, just as the Americans declare that the United States are not safe without Cuba.

The empire of Napoleon has disappeared, but his policy, like the great boulevards which he gave to Paris, has remained to dazzle the imagination of France. Like the *hommage* which is periodically offered to the Army engaged in 'pacifying' the Moors, whenever the Chamber passes to the order of the day expressive of a vote of confidence in the Government, it is one of the brightest examples of heredity.

Since Lord Clarendon's letter to Queen Victoria, the world has moved considerably forward. So has international conscience. Egypt is virtually a British possession; Cuba belongs to the United States; whilst France has obtained from England an acknowledgment of special, and from Europe, of a paramount interest in Morocco, coupled with what is called a mandate for the policing of Moroccan ports—the first step in the process or 'pacific penetration,' which invariably in such cases has ended in annexation. Thus a suggestion which some fifty years ago does not seem to have been regarded with approval in England has become almost an accomplished fact, and France is now engaged in completing her work in Morocco.

An ex-Prime Minister of England recently condemned, in unequivocal language, the anomalous situation Europe, in her desire to introduce the mixed blessings of civilisation, has created in that ill-fated country. But the French standpoint seems even to an outside observer perfectly natural; it is not merely the vast extent of the British Empire which stimulates ambition and inspires emulation. A great nation hitherto occupying a commanding position finds its place in the Council Chamber of Europe going to a hated rival. It finds its population stationary or declining, its military strength not keeping pace with that of a dreaded neighbour. To safeguard against attacks it has to rely on alliances and *ententes*. Already the idea is mooted that the introduction of conscription in Algeria would bring a million of soldiers to the army of the great Republic. Morocco is a rich though undeveloped country, especially rich in warriors and fighters. Her coast towns are capable of great development. What the addition of this vast empire with its enormous resources must mean to France it does not require a statesman or a politician to imagine. If Algeria can furnish her with a million men, Morocco can double the number; and how the Turcos fought in the war of '70 we all know. With this grand prospect in view few Frenchmen would stop to consider the cost. Germany seems to understand the consequences of such an eventuality in the hegemony of Europe; England of course has the *entente*. But, as Lord Rosebery observed the other day on an occasion of some moment, 'the friends of to-day might be the enemies of to-morrow.'

In the game of politics, in which the nations of Europe are engaged at this moment, the student of contemporary history fails to understand one point: the reason which actuates a large body of the English press and some politicians to encourage France—in fact, if a colloquialism may be pardoned in this conjunction, to 'egg her on' in her mad enterprise.

In face of the proclaimed determination on the part of the French Government not to withdraw from Morocco, one may be permitted to indulge in a slight incredulity with regard to the repudiation of all ideas of conquest. In many instances the prosecution of a fixed design is attributed to force of circumstances; and it is not impossible that in the present case, too, an advance from the the coast to the desert may be put

down to inexorable fate. It may be worth while, therefore, to consider for a moment the difficulties of the adventure. The subjugation of Algeria occupied the arms of France for a quarter of a century; the prediction may safely be hazarded that the same work will take twice that time in the country of the Moors, men of a different mettle from the Algerian Arabs. A writer with unique knowledge of the people and the country pointed out a little while ago the immensity of the task France has undertaken. She may be able to seize and hold, if the other Powers of Europe acquiesce, a few coast-towns under cover of her ships' guns, but to conquer the land and subdue the warlike tribes of Morocco will take many a battle and many a victory. During this long-drawn process of 'pacific penetration', the waste in men and money will not add to the strength of France; it may indeed lead to exhaustion of the vital tissues.

If it is essential to Great Britain, as one finds it constantly enunciated of late, that France should retain her power unimpaired, it seems a little surprising that she should be encouraged to pursue her present course amidst enthusiastic plaudits. One would have thought that the acquiescence of Germany in the French operations on the coast might have conveyed a warning that France was playing a game not to her own advantage; that she was only throwing away good money for bad, furthering other interests and making herself more hated than ever by the people whom she was deputed by Europe to civilise. So far, in spite of high coloured reports, she has neither added to her prestige nor gained any material, advantage, but she has neither succeeded in filling the Muslim tribes of North Africa with fear and hatred.

It is a fact worth noticing that whilst Germans and English, who are supposed to have no designs on Moorish independence, are viewed with favour, the French, and to some extent the Italians, are regarded with distrust. Little surprise will be felt if, under the influence of this feeling and of the news from the coast, a general conflagration were to break out in those regions. The love of independence and devotion to their religion that animate these people is usually called fanaticism. Might not some credit be given to them for patriotism? They have deposed an inept monarch and placed in his stead a more

capable ruler on the throne. He seems anxious to live in amity with the nations of Europe, to admit the requirements of European civilisation into his country with due regard to the prejudices and susceptibilities of his subjects, to make amends for any wrong they may have done to the foreigner; he seeks even to grant generous terms to the deposed Sultan.

That a competent chief who alone seems capable of restoring order and peace to the distracted country, and who has been accepted by the nation, should be regarded with disfavour and designated as 'the Pretender,' is a curious commentary on the ethics of international politics. The inference is natural: either Europe or France does not wish to see the throne of Morocco occupied by a capable ruler. It is far easier, it would seem, for the accomplishment of ulterior designs to work in the name of an incapable sovereign.

These reflections help to expose the hollowness of the claims to superior morality advanced on behalf of modern civilisation. In the eighteenth century the same game was played in India; and the more skilful, perhaps more honest, player won the day. The hundred and fifty years since the fall of Dupleix and Lally have made little difference in national conscience or national methods. Neither tactics nor the protestations of altruism have undergone much change; only in the present instance the chess-board is nearer and the circle of onlookers larger, and the dexterous player has this advantage, that his adversary has no outside backing—the game is more or less in his hands.

Every lover of humanity must recognise the blessings which modern civilisation has brought to the world; but it would be sheer self-deception to shut one's eyes to the ills to which it has given birth or which it has intensified; to the hypocracy of a great part of modern life; to the relegation of national and individual duties to the background in favour of hollow show and pretensions, above all to the apotheosis of money and power.

THE NINETEENTH CENTURY,
April, 1908, Vol. LXIII, No. 374, pp. 568—581.

THE CONSTITUTIONAL EXPERIMENT IN INDIA

On the 25th of January a new chapter may be said to have opened in the history of British rule in India. But for a crime of peculiar daring and sinister significance, perpetrated on the very eve of the opening of the new Councils, the speech of the Viceroy welcoming the national representatives and describing his own part in the introduction of the recent reforms would have attracted far greater attention than it has actually done. It was in many respects a notable speech, showing undoubted courage and sympathy—courage in breaking away from some old traditions, and sympathy in realising what appeared to him new forces at work in the country. He does not seem to have waited long after assuming the reins of office to formulate his views on the future policy of his Government on the many questions which had begun to agitate the public mind of India under the influence of Western education, for the note he read to his Council was written barely eighteen months after his arrival in the country. How far his estimate of the extent to which the reforms—for undoubtedly the need for reforms was clear—should go, would have been modified had he had time to look deeper under the surface of Indian political life and thought, it is difficult to say. But the reasonable sections of the population may be congratulated that further experience did not damp generous impulses. And one cannot help admiring the general hopefulness with which the ultimate issue is still regarded.

In his speech, Lord Minto reviewed rapidly and briefly the development stage by stage of British legislation in India and the political aspirations that had come into being within the last few years.

> When I took up the reins of government as Viceroy (he observed), in the late autumn of 1905, all Asia was marvelling at the victories of Japan over a European Power—their effects were far-reaching, new possibilities seemed to spring into existence—there were indications of popular demands in China, in Persia, in

> Egypt, and in Turkey, there was an awakening of the Eastern world, and though to outward appearances India was quiet—in the sense that there was at that moment no visible acute political agitation—she had not escaped the general infection.

The effect of the Russo-Japanese contest on the Indian people is open to question; for a closer study of the inner history of India would probably offer a more correct perspective.

Whatever the cause, however, of the 'discontent,' no one can deny that the time had arrived for a fresh advance in the direction to which British rule has been tending for the last half-century or more. And the proposals for the reforms were, as it appears now, put forward on the Viceroy's own initiative. He pointedly observed that they were entirely based on views he himself had formed of the position in India, and were not due to any suggestion from England, and he added impressively, 'whether for good or for bad he was entirely responsible for it'

The note itself is an instructive and interesting document. After referring to the growth of education and the claims of the Indians to a larger share in the governing of the country, it goes on say:

> The political atmosphere is full of change. Questions are before us which we cannot afford to ignore, and which we must attempt to answer, and to me it would appear all-important that the initiative should emanate from us, that the Government of India should not be put in the position appearing to have its hands forced by agitation in this country or by pressure from home, that we should be the first to recognise the surrounding conditions and place before his Majesty's Government the opinions which personal experience and close touch with the every-day life of India entitle us to hold.

Particular stress is laid on the view maintained by the Government of India—an opinion evidently shared by the Secretary of State—that representative government in the Western sense is totally inapplicable to the Indian Empire and uncongenial to the traditions of an Eastern population. Considering the conditions that have come into existence in other Eastern

countries, the last observation might perhaps have been more happily expressed. One remark, however, deserves notice as supplying a key to any further development of the present policy. It was emphatically stated that the safety and welfare of the country depended on the supremacy of the British administration, and that supremacy could not be delegated to any kind of representative assembly.

The preliminary step to the consideration of the proposed reforms was a reference of four suggestions, judging from his speech evidently emanating from the Viceroy himself, to a Committee consisting of several distinguished officials. Those suggestions were: (1) A Council of Princes or their representatives on the Imperial Legislative Council, which had at one time found favour with Lord Lytton; (2) an Indian member on the Viceroy's Executive Council; (3) increased Imperial and Legislative Councils; and (4) prolongation of the Budget Debate 'with an improved rule.'

All these suggestions, which appear to have been accepted in principle by the Committee and, save the first, sanctioned by the Secretary of State, have now taken practical shape in a more extended form than originally limned.

After his impressive declaration there can be no hesitation in conceding to Lord Minto the whole credit for the authorship of the great experiment, the effect of which on the general conditions of the country remains yet to be seen. Considering the part he has played in obtaining for the peoples of India the newly granted privileges, it is difficult to realise that his life should have been in jeopardy; though the disappointment with which the reforms have been received by various sections has surprised few people. It is merely a revulsion from the immoderate anticipations of the last few years based on erroneous calculations. Even Lord Morley's warning that in the constitutional changes on the anvil then there was no idea to set up Parliamentary institutions on the Western model, failed to moderate the mistaken hope of a virtual transfer of the administration to the representatives of the people, chosen chiefly from the English-educated classes, with a very large extension of the franchise. The hope, it must be admitted, was not altogether unreasonable, in view of the fact that the classes who entertained it formed already

the preponderating element in the official hierarchy, and to vest them with the *de jure* authority would only mean, according to their views, the carrying of the policy hitherto pursued to its logical conclusion. They regard it, not without reason, as the first step towards the final solution of British rule.

Neither the Government of India nor the Secretary of State were, however, inclined to take the same view of the question; they still considered themselves as the custodians and trustees of the interests of the varied races and creeds inhabiting the Indian Empire. Thus, putting aside theoretical considerations urged from different sides, they wisely determined to abandon the idea of absolute uniformity on a democratic basis and to hold balance with a fairly even hand.

Although the principles underlying the reforms are by no means new, or for the first time enunciated by their authors, the constitutional changes themselves are so far-reaching as to alter fundamentally in many respects the chief characteristics of British rule. We in India often lose sight of the fact that generally speaking both the great English parties treat Indian questions as outside the range of what are usually called party-politics; and although exceptions have recently appeared, on the whole it may be said the rule is faithfully observed. Both parties profess to have at heart the development of India on progressive lines and the training of her peoples in the work of self-government, so that in the distant future, when the growth of a true spirit of compromise and toleration among all classes and communities may make it possible to entrust them with the management of their own affairs, she may justly claim a release from her present (not irksome) tutelage. One party may be more inclined to hurry the pace, the other may feel it wiser to proceed more cautiously; whatever the difference in the method, both seem to have the same end in view. It is, therefore, incorrect to suppose that the present reforms proceed upon any novel basis. Their importance lies in the fact that they give a more extended application to principles which had repeatedly been affirmed by statesmen of all shades of opinion for many years past.

When we consider that every caste and creed has to watch over its interests and its work for progress by special and separate agencies, the fact that India is not a homogeneous

country forces itself on the mind. The Rajputs have their own separate conferences ; so have the Vaishyas, the Kaesthas. the Sikhs, the Jainas, the Nama-Sudras in Bengal, the non-caste Dravidians in the South. Even the Shia Muslims have deemed it necessary to devise a separate conference for the promotion and protection of their special interests. It is true the system of separate organisations for classes and communities differing in ritual or political aims is common in England. But here such divisions do not ordinarily take the acute shape they do in India. It is hardly fair, therefore, to ascribe the existing divergencies to deliberate machiavellism on the part of the Government. A closer study would probably show at the fault of British Indian bureaucracy lies the other way—in a desire to fuse all the elements in one common body and deal with them as such, regardless of all the differences which enter into the very composition of Indian Society. It is natural to wish for a homogeneous nationality to rule over, as the path of administration is then made easier. But this very wish—it is frequently overlooked—leads to the disintegration of those classes who, from the absence of castes and caste-conventions, lack the powers of consolidation, and therefore depend for their solidarity on special organisations. The magnitude of the task undertaken by the Indian Government in attempting to widen the basis of administration can be realised when we bear in mind the immense diversity, not only in creeds and customs, but also in economic conditions.

The maintenance of absolute equity as the foundation of British rule was its first duty. But besides holding the balance evenly between varied, and even conflicting interests it had to keep in view educational conditions and political weight. The mere fact that certain sections were more advanced in what is called English education would, under the circumstances of the country, have been a poor reason for throwing the weight on their side or so extending the franchise as to include, without additional grounds, inferior educational tests. The limitation of the franchise within reasonable bounds was, therefore, a necessity. Whether the limit is not in some instances too narrow is a subject for future consideration. Inspite of the difficulties under which they laboured, it must be admitted in all fairness, the Government of India have turned out a piece of

work with which they have every reason to be satisfied. The regulations are not ideally perfect; some of the provisions indeed fall short of the object aimed at, others inspire misgiving. But taken broadly they represent a distinct and remarkable development in the administration of the country. The opportunities they afford for the expression of public opinion on the measure of Government are themselves a gain of immense value, for the thoughtful, sober and honest views of the representatives of the people, even when they do not exercise a controlling influence on executive or administrative actions, can hardly fail to have their legitimate weight on the policy of Government or the conduct of its officers. Properly worked, with the genuine intention on the side of the people that they should serve the purpose for which they are designed, the present reforms are certain to become the means of incalculable benefit to the country. The first, and by no means the smallest, result would be to inspire all classes, especially those who have benefited to any extent from Western knowledge, with a sense of responsibility and some conception of the duties of citizenship. Without these two conditions to start with it would hardly be possible to hope for much good. If there is any real wish to make the reforms a true success, the cavilling spirit will have to be abandoned, and a more sober view taken of the realities of British rule, with a more measured estimate of India political and economic progress. The necessity for approximating such an estimate to the actual conditions of the country does not seem to be confined to India; its consideration is equally necessary in England.

It is futile, however, to suppose that the new system would either allay the 'unrest' or conciliâte feelings that are irreconciable. Nor do its authors seem to delude themselves with that hope. They rely for the success of their endeavours on the general good sense and loyalty of the people. In this probably they are not mistaken, for the forces interested in the peaceful development of the country, and in the maintenance of law and order essential to that end, are very much stronger than any other. The ruling chiefs have, without exception, pronounced themselves emphatically in favour of the principles on which British rule is founded. The great magnates, the leisured classes, the men of culture—in

fact, all who have a stake in their country's progress—regard with approval the constitutional changes, and view with apprehension the prospect of violent attempts to upset or paralyse the Government. The bulk of the population, interested in their own avocations, quiescently indifferent to changes in the administrative systems so long as they are left in peace to enjoy the fruits of their industry, are content with a rule which ensure them equal justice, and protection against oppression and violence. In these elements lies the safety of the present order, on them depends the continued assurance of the country's well-being. They know that the country, if not better governed, is as well governed, as any other civilised land; they recognise that, barring minor hardships and inequalities, it is free from oppression; that the administration of justice is free and equal: that the Courts of Justice are independent of all outside influence; that the legitimate aspirations of the people are fairly and even sympathetically considered; that from year to year, decade to decade, there is regular political and economic progress; and they are content to abide in peace and to spare their country the evils of disturbances, the end of which it would not be difficult to foresee.

We frequently hear even Englishmen speak of British rule in India as a 'despotism,' especially in connection with endeavours to perform the ordinary functions of government and to maintain law and order. It might well be asked, is it more despotic than the rule of the Indian princes, or does it regard with less consideration the feelings and prejudices of its subjects? Whatever may have been the condition before the 'sixties' within the last forty years the Government of India and the local governments have scrupulously tried to observe the forms of constitutionalism in not attempting to go beyond the letter of the law or recognised rules. The anxiety to adhere strictly to rules, the nervous deference to public opinion, and even sometimes to what is mistaken for public opinion, differentiate the British Indian Government from other systems, usually known as despotic. When the government of a country depends on the ukase of a ruler who is guided by no definite rule in the determination of public or private questions, I take it there is little dispute as to the system being despotic. In India, it must be said with regret,

there is, if anything, too much law, and often too little elasticity in its interpretation. Even in those parts where a patriarchal simplicity in the application of rules and principles is more conformable to the conditions of the people, the administrator is fettered in his work in a way difficult to realise. No official act is valid without the guarantee of some legislative enactment carefully framed and as carefully interpreted. A system of this kind can hardly be called a despotism in the usually accepted sense. It may be the despotism of law but hardly of caprice. Somebody called India a paradise of mediocrities. That observation was probably the outcome of splenetic jealousy, but it cannot be denied that it is the land where law and lawyers flourish to a degree that does not obtain even in England, where the legal profession holds such predominant position. In Upper India the name popularly applied to British rule as the *Wakil-ka-raj*[1] is an index to the estimation in which the people hold the system.

But when we consider by whom the laws are framed which the lawyer has to construe and to which the bureaucrat has to conform, we can form an idea of the extraordinary constitutional shape British rule has taken in India. Formerly it might have been said that legislation was in the hands of a few Englishmen more or less conversant with the country. The legislation of that period, although based sometimes on *a priori* considerations, and occasionally even of doubtful expediency, was actuated by an honest desire for the better government of India, and taken as a whole fulfilled its purpose. For the last forty years at least Indians have been associated on the Legislatures, and it would be as untrue to say that they have proved altogether inefficient as that they were not representative men.

The system now introduced marks a fresh advance of a remarkable character. As the Government of India, with a feeling of satisfaction natural under the circumstances, observe, the constitutional changes that have been effected are 'of no small magnitude'. The maximum collective strength of the Councils has been increased from 126 in 370; the number of elected members is now 135 to place of thirty-nine; an elected member is entitled under the new regulations to

[1] The lawyers' government.

take his seat 'as of right' without any official confirmation as was needed under the previous system. Apart from the actual enlargement of the Councils, their constitution and functions represent a departure of a fundamental character. Under the regulations of 1892, the official element was everywhere in a majority ; the present rules provide for a non-official majority in every Provincial Council ; only in the Viceroy's Council, for reasons that will be explained later, an official majority is maintained. 'A member can now demand that the formal answer to a question shall be supplemented by further information'. Discussion will no longer be confined to legislative business and a discursive and ineffectual debate, to use the language of the Government of India, on the Budget, but will be allowed in respect of all matters of 'general public interest.' How far these new and extensive privileges will be used in moderation to promote the real work of administration in the best interests of the country, remains yet to be seen. The wide powers vested in the President to check prolixity and irrelevancy furnish a guarantee that the debates will be conducted with due regard to constitutional forms. For in the absence of a controlling authority ready to repress exuberance of speech and to divert discussion into the right channels, quick of discernment and alert in answer, the Councils might easily become what some Municipal Corporations in India are known to be—fields for dialectical display.

The new regulations further make provisions for the members to take a real and active part 'in shaping the financial proposals for the year,' not only by criticism and discussion, but also by 'initiating advice and suggestions in the form of resolutions.' In the face of these concessions it would be churlish to deny the claim put forward by the Government of India that 'they constitute a generous fulfilment of the gracious intention foreshadowed in the King-Emperor's message to grant to the leaders of the Indian peoples a greater share in legislation and government.'

Barring the fact that the franchise has not been lowered enough to satisfy anticipations, the regulations contain substantial guarantees for a genuine participation of the representatives of the people in the work of administration. That seems to be the honest intentions of the authors of the scheme;

the accomplishment of that wish rests in other hands.

To form an approximate idea of the agencies set on foot with that object, it may be necessary to examine a few details relating to the constitution of the different Councils, the nature of the electorates, and the discretionary powers vested in the heads of Government to direct discussions into right channels.

The normal maximum number of the additional members of the Governor-General's Council[1] is fixed at sixty, of whom twenty-five are to be elected and thirty-five nominated; whilst out of the thirty-five, twenty-eight are to be officials. With the object of avoiding the undesirable contingency of a Governor-General nominating so many non-officials that the majority of all the members of the Council shall be non-official, a statutory limitation is placed on his powers. On the other hand, the non-official element is to be in a permanent majority in the Provincial Councils. The reason of the difference between the Governor-General's Council and the Provincial Councils is to be found primarily in the fact that legislative measures adopted in the Provincial Councils are subject to 'the assent' of the Governor-General in Council,[2] which furnishes a guarantee that hasty and ill-considered enactments would not easily find a place on the Statute Book, and fulfils the purposes of the right of veto possessed by the Senates of even advanced democracies like France and the United States, whereas there is no such safeguard in the case of legislation adopted in the Council of India, except the remote contingency of a refusal by the Secretary of State to give his final sanction to any particular measure—a power rarely put into practice, and less likely than ever to be exercised under present circumstances.

The conceivable possibility of beneficent measures introduced into the Provincial Gouncils by Government being defeated by a combination of parties—a matter of procedure familiar in Western countries—would probably be met by the power vested in the supreme Legislature to withdraw into its

[1] The normal strength of the Imperial Legislative Council is sixty-eight, inclusive of the Viceroy and *ex-officio* members (seven). Under the superseded system it was twenty-four.

[2] *I.e.* of the Governor-General and his *executive* Council.

own forum legislative proposals of importance. This was done with great public advantage in the case of the Bengal Tenancy Bill, which was afterwards enacted as Act VIII of 1885.

The strength of the Provincial Councils differs greatly according to the population, extent, and relative importance of the various provinces. For example, in Western Bengal the number is fifty-one, in Eastern Bengal and Assam forty-two, in the Bombay Presidency forty-eight in the United Provinces forty-nine, in Madras forty-eight, whereas in the Punjab it is only twenty-seven, and in Burma eighteen. The object throughout was evidently not to make the Councils too unwieldy either for useful practical work, or for direction by men who, with all their brilliant administrative qualities, are generally untrained in the handling of large assemblies.

Regarding the ineligibility of candidates for election, the rules are identical in all the Councils. But there is one feature about them which should not be allowed to pass unnoticed. Among those declared ineligible are persons dismissed from Government service or who have been sentenced to imprisonment for graver offences, or who have been ordered to find security for good behaviour, or 'whose reputation and antecedents are such that his election would, in the opinion of the Governor-General in Council, be contrary to the public interest's. A very wise provision, tempered, one would imagine, in exceptional cases by the authority of the Secretary of State. But when this authority itself, even sometimes against its better judgment, has to bow to the opinions of the supporters of his Majesty's Government in Parliament, the checks on a capricious exercise of the power may be considered sufficiently strong to deter any ordinary Governor-General from taking unnecessary or uncalled-for action.

With regard to the power vested in the Governor-General in Council to declare a person ineligible from his reputation or antecedents the Government of India say, not without reason, 'if the dignity and representative character of the Legislative Councils are to be maintained, there must be some means of excluding unworthy candidates, though,' they add, apologetically, 'recourse to it would be of rare occurrence, and the disqualification would not necessarily be permanent.' To have entrusted to the Councils themselves the power of exclud-

ing undesirable candidates would have imposed on members not versed in constitutional usages and forms a somewhat onerous and altogether invidious duty. What the Act of 1892 provided, by subjecting to the nomination of the head of Government the right of an elected member to take his seat in Council, the present Regulations seek to attain in a more direct and perhaps less objectionable way.

The desire for the speedy realisation of the constitutional *regime* is to a large extent responsible for a certain want of uniformity in the electorates and in the qualification of electors and candidates, as also for the absence of preciseness in the preparation and publication of the electoral rolls. In certain provinces voting by delegates has been introduced, which, according to all reports, already stands discredited. In the Bombay Presidency advocates of the High Court have been given the franchise, whilst in Upper India for some reason they are excluded. Again, in the United Provinces the qualifications for both candidates and electors are exceptionally, one might almost say unnecessarily, high. These and other defects of a similar character will probably receive early attention, for it is no doubt the intention of Government to make the scheme as fairly workable as possible.

The provisions relating to resolutions and questions, and the examination of the annual financial proposals of Government, are by far the most interesting features of the Regulations. With the exception of certain matters specially excluded—a liberal scope is allowed, subject to certain conditions, to the discussion of questions of 'general public interest'. Were it not for these conditions, the rules might have reasonably caused apprehension as opening the door to interminable discussions, thus paralysing at the outset the usefulness of the Councils.

Resolutions moved by any member have to be in the form of a specific recommendation addressed to the government concerned ; have to be clearly and precisely expressed, and 'raise a definite issue'; must not contain arguments, inferences, ironical expressions or defamatory statements, or refer to the conduct or character of persons in their official or public capacity ; and if they have reference to the financial proposals of the Government, they must not challenge the accuracy of

the figures in the financial statement, and must be directly relevant to some entry in it.

The framers of these Rules had evidently in mind the lessons taught by more than one popular chamber, and have therefore endeavoured to the best of their ability to preclude irrelevant, discursive or 'scandalous' discussions.

Similarly the right of interpellation is subjected to a number of restrictions carefully devised, which, without hampering legitimate questions, would prevent their being used for purposes not conducive to public interests.

A 'supplementary question' may be asked 'for the purpose of elucidating any matter of fact regarding which a request for information has been made' in the original question, but the member in charge may decline to answer it 'without notice, and the President may disallow it summarily without giving any reason therefore.' The limitation of supplementary questions to the elucidation of 'matters of fact' is evidently meant to exclude attempts to elicit opinions from members of Government often on hypothetical data.

With the object of avoiding unnecessary discussions over the financial proposals of Government, an elaborate procedure is provided, which is more or less identical in all the Councils. There is one distinguishing feature, however, in their treatment in the Provincial Councils which is deserving of attention. The provincial financial statement, before presentation to the Council concerned, has first to be examined by a Committee consisting of twelve members, of whom six will be nominated by the head of the Government, and six elected by the non-official members of the Council. The Committee is thus fairly equally balanced, and the latitude at this stage for discussion, criticism, and even revision is very grea Experience alone can show whether this Provision helps in the despatch of business, or has a contrary result.

In the Governor-General's Council a different procedure will be in force. On the day the Financial statement is introduced there is no discussion ; it is only after the Statement has been fairly digested that the real consideration of the proposals of Government begins. At this stage members are entitled to move specific resolutions ; when these are exhausted the second stage begins. In this stage each head,

or group of heads, specified in the Statement and open to discussion, shall be considered separately, and members shall be 'at liberty to move resolutions relating to any question covered by such head or group of heads.'

It will be seen, therefore, that it is not only at the first stage that a great latitude is given for discussion and the moving of resolutions ; equal facility of a more definite character is given at the second stage.

The third stage consists in the presentation of the Budget. At the discussion which follows, no resolution can be moved in regard to it, nor is it submitted to the vote of the Council, though members are at liberty to offer any observations they think fit.

A generally comprehensive idea of the tendency of the new Regulations may be formed from the above rather cursory summary. The object unquestionably is to give the educated classes, and the classes with a stake in the country, a substantial part in its government and the management of its affairs. But that part is in the main advisory and not directory or controlling. The right of moving resolutions directed to specific points, and cast in the form of recommendations, allows to the representatives of the people ample facilities for helping the Administration. Advice offered in this shape, which has to undergo in public the severe test of discussion, imposes on the members responsibilities that cannot be evaded—responsibilities to themselves, their people and the Crown under which they prosper. The obligation that the resolutions should be adressed to Government as recommendations would largely preclude the putting forward of crude, inflamatory, or ill-conceived suggestions. The right of interpellation similarly permits the opportunity of drawing attention to popular grievances or to arbitrary acts of executive authority, which otherwise might become the means in unscrupulous hands of inflaming the passions of the people. Again, although no check is possible on unrestrained zeal or unreasoning partisanship, the fact that such questions must be put in proper form, and subject to certain conditions, provides a fairly substantial guarantee that the right would not, generally speaking, be misused. Again, the participation of the members in the consideration of the

financial proposals of Government furnishes them with the opportunity of giving, within limits, most valuable assistance to Government in dealing with questions of taxation and expenditure.

These and other features in the constitutional experiment that has recently been inaugurated mark it as one of the most momentous events in the history of India. To an outsider, honestly examining the facts, it seems that the Government have with wisdom, fairness, and no little generosity accomplished the task they undertook. It now remains for those who claim to be the leaders of public opinion in India, or who by their wealth, possessions or intelligence exercise an influence, to make the best use of the machinery that has been provided for them. As observed before, it is not ideally perfect, nor is it designed for a state of society which has not as yet come into being in India, or, for the matter of that, in many countries of Europe, but in its main conceptions and general principles, it is eminently suited for the conditions that exist there, and, with a slight re-adjustment and modification of details, without interference with the principles, it might serve a really beneficent purpose in the promotion of national welfare.

THE NINETENTH CENTURY,
March, 1910, Vol. LXVII—No. 397, pp. 394-406

LETTERS TO "THE TIMES"

TURKEY AND THE POWERS

Sir—No Muslim views with indifference the political outlook at this moment in Eastern Europe, nor hesitates to believe that the policy which the Christian Powers have chosen to adopt against Turkey is bringing us slowly face to face with a religious war of a bitter and protracted character. The facts which have brought about the present situation are simple enough. A province of the Turkish Empire has been kept in a state of chronic disorder by foreign agitators and revolutionary bands, organized in neighbouring States. These bands have slaughtered inoffensive people regardless of age, sex, or creed, without protest and without reprobation from the rest of the Christian world—merely with the object of bringing Turkish rule into discredit. No effort has been made to restrain them; on the contrary, they have encouraged, sometimes openly, at other times by indirect suggestions. The Turkish Government has been hampered in using its legitimate powers to put an end to this state of things. The resources of the Ottoman Empire have been wasted in maintaining a large army in the province, to keep out the marauders. Under one pretext and another the Powers obtained the assent of the Ottoman Sovereign to the employment of foreign police officers in the service of foreign States, but paid by the Turkish Government. Not satisfied with this concession, they now seek to obtain jointly the financial control of the province for the disturbed condition of which, if truth were told, they are mainly responsible. If this demand is acceeded to the result is obvious; the reception of revenue in a Muslim State is the outward symbol of sovereignty. Once the Sultan ceases to have any voice in a financial administration of Macedonia, it will have but one meaning for the Muslims of Turkey as well as elsewhere—that he has been deprived of a part of his dominion by a combination of the Christian Powers. There is a strong suspicion that Austria is anxious to get possession of Salonika.

The Turkish people are justified in perceiving in the present move a device for the attainment of that end. In the stand which the Sultan is said to be making against the demands of the Powers, he will have the unqualified sympathy of the entire Muslim world.

I know that nothing that any Muslim can say will alter for a moment the decision of the Powers, but the occasion must not be allowed to pass without a protest in the name of humanity and common justice against a policy which is likely to engulf Eastern Europe and Western Asia in the horrors of a racial and religious war, the effects of which will be felt for beyond the limits of the Turkish Empire.

Yours etc.
AMEER ALI

Reform Club,
November 25,1905

The Times,
Tuesday, November 28, 1905,
p. 12, Col. 3

THE PROPOSED INDIAN REFORMS

Sir—There is evidently a misapprehension in some quarters regarding the attitude of the Muslim League (and of the Muslims generally) towards Lord Morley's scheme of Indian reforms, and attempts are being made to discount or discredit Muslim feelings and opinion.

The Muslims equally with other moderate sections of the population gratefully acknowledge with extension of political privileges. But they are bound to examine the details so that in the practical application of the scheme they may not be placed at a disadvantage. This, they believe, would not only by contrary to the intentions of Government, but probably prove fatal to the successful working of the reforms. In asking for modifications such as would properly and adequately safeguard their interests, they ask for no special privilege in derogation of the just rights of any other class or community ; they demand nothing more than that their representation on the Councils and other representative bodies should under the

projected reforms be real and not illusory, substantial and not nominal. They are anxious to work in harmony with all sections of the population, but they will not consent to be dragged at the wheels of a majority along any course it may choose to take. This, if I interpret rightly the feelings and opinions of my people, is the position they have taken up.

During the whole course of my public life I have consistantly laboured to promote concord and good feeling among the two communities. I have always maintained cordial relations with leading Hindus. My remarks, therefore, will perhaps be accepted as free from bias of any kind.

In India the rank and file of the two communities are still widely divided in habits, customs, and traditions of race and religion a more dominant factor than in European countries—all of which tend to produce the feelings and thoughts which govern the actions of peoples. The Hindu is most anxious to preserve and extend the ascendancy he has gained, the Muslim aspires to obtain a share of the benefits promised to India by British rule. Under existing conditions and in the present state of feeling among the general body of the two nationalities a system of popular electorates recommended in the despatch of the Secretary of State would lead to constant friction, heart-burnings, and complaints. In certain localities (and recent events fully justify the prediction) worse results may be apprehended.

That a joint electorate consisting of Hindus and Muslims under such conditions would not assure adequate representation to the Muslim community would be obvious to any unprejudiced mind. But the question has been clouded with so many fallacies that it becomes necessary to call attention to some of the salient features of the proposal against which Muslim opinion as unanimously ranged itself.

Under the proposed scheme (without going into details) the electoral machinery at every stage would be controlled by an overwhelming non-Muslim majority versed in modern political tactics. This explains the exultation with which it has been received and the tenacity with which the Muslim demand for communal representation is objected to. In electorates of the kind proposed every effort would be made to divide Muslim votes, and to return to the electoral colleges and the councils

only such Muslims as would be acceptable to the majority. At this moment in some parts of the country Extremist views are predominant here, it is needless to say, no Muslim, unless he subscribed to these doctrines, would have the remotest chance of election. Not much exercise of imagination is required to understand the combinations by which a Muslim unacceptable to the majority may be defeated.

In considering the question of mixed electorates another fact must be borne in mind. The two communities often differ greatly in material circumstances. No Muslim is found following the vocation of *Sahukar*, *Mahajan*, or *Baniya*, in the legal and other professions his number can hardly be compared to that of Hindus. In state service the disparity is striking. Owing to the difference in the standard of living, rank to rank, generally speaking the Muslim is less affluent than the Hindu. Under these conditions the franchise qualification would have to be sensibly modified, otherwise the franchise limit would be so narrowed as to make Muslim representation practically of little value.

To allay Muslim apprehensions Lord MacDonnell stated in *The Times* of January 6 that Morley's scheme aims at securing to the Muslims a proportionate *minimum* representation ; and that it does not preclude the electors or the majority of them from foregoing the advantage they possess, and giving to the minority at a particular election a larger representation that the *minimum* to which under the scheme they are entitled. So that, according to him, if one Muslim obtained the entire Muslim votes, and another a larger number of Hindu votes, the result would be that Muslim instead of one would have the good fortune of possessing two representatives. With some experience in the interpretation of documents, I venture to say that the language of the despatch furnishes no warrant for Lord MacDonnell's construction. The intention may be there, it is not only not expressed, but the context rebuts it.

Assuming, however, that Lord MacDonnell's interpretation is correct, it would be considered a very mixed blessing. A Muslim brought in wholly or partly by Hindu votes would be pledged wholly or partly to the views of his political supporters ; he would be used as a counterpoise to his Muslim colleague, and, to use a colloquialism, would often be putting

a spoke in his wheel. Illustrations of how this may be done are not wanting in the House of Commons. A nominee of the majority posing as a Muslim representative would often do more harm to Muslim interests than if they were wholly unrepresented.

The principle of proportional representation possesses, no doubt, the recommendation of simplicity as furnishing an easy solution to an unprecedentedly difficult problem. But its simplicity should not, it is submitted, lead us to overlook the prejudice it would cause to the Muslims. There is no question the Hindu population largely exceeds the Muslim in number ; but the real figure in the first case is swelled to its stated dimensions by the inclusion of masses of people whose very touch the real Hindu regards as defilement, with whom he would hold no social converse, and who are called, or call themselves, Hindus for census purposes alone. Communities like those of the *Chandals*, *Chamars*, *Musahirs*, *Bhangis*, etc.—names familiar enough to the Indian administrator—can never hope to rise in the social scale, or to sit in the same assembly as the caste-people, the real Hindus. They will in all probability never hear of Lord Morley's scheme or take the faintest interest in its working. The Muslims number according to official figures, over 53 millions. They are unequally distributed over the whole country, and vary in material and social conditions, not only in the different provinces, but in different parts of the same province. The only province in which there is any approximation in the circumstances of the two great communitities is the Punjab. Here, the followers of Islam, like the Hindus, are found in all strata of society. Here, therefore, it may be possible to apply the principle of proportional representation without prejudice to the interests of either. But in the other provinces the conditions are totally different. For example, in the United Provinces, the upper and middle classes of Muslims are mostly office-holders, scholars, professional men, and what in French would be called *rentiers* of different degrees—descendants generally of men who occupied good positions under the former rule. The social importance of the Muslims in the life of the province, as has been admitted by successive governors, can hardly be gauged by their numerical proportion. Proportional representation applied to

the United Provinces would work enormous injustice to Muslim representation, and would create a feeling of resentment of which indications are already forthcoming. The same remraks apply to other provinces.

If Muslim representation is to have any real meaning, it must be, as the Muslims urge adequate and substantial. If the Muslim representations are to be of any practical use to their people or to the State, representative bodies must be such as to give their utterances some weight. And this has become especialy important owing to the decision of the Secretary of State to give non-official majorities to the provincial councils and the further extension in their powers and privileges. The importance of a nation cannot always be adjuged on numerical considerations. Whatever may be the view regarding the historical and political position of the Muslims to which the Government of India attaches some value, Muslim loyalty is an asset to the Empire which I venture to submit ought not to be lightly put aside.

Yours faithfully,
AMEER ALI

Reform Club,
January 9, 1909

The Times,
Thursday, January 14, 1909
p. 10, Col. 3.

THE MUSLIMS AND INDIAN REFORM

Sir—Does not your Special Correspondent's telegram today, in which he says: 'Nevertheless, here as in the United Provinces, the high officials are expressing some alarm less a too strenuous advocacy of Muslim claims may produce an undue exaltation in the minds of Muslims, which would not be desirable,' rather point to a condition of nerves in high official quarters?

The concession that have been made to the just and moderate representations of the Muslims are not such as are likely to give them swollen heads. Friends and foes alike admit that they have urged their claims in a spirit of moderation and reserve; and I can say without hesitation that my

people are not suffering from any 'undue exaltation' over what they consider as vital to their political existence. The prevailing feeling is rather one of depression at the general outlook.

'Undue exaltation' on the part of any community in India is certainly to be deprecated, and 'high officials' will be doing a service to the Empire if they endeavour to apply that principle generally.

Yours faithfully,
AMEER ALI

Reform Club,
March 6, 1909.

The Times,
Monday, March 8, 1909

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A PROTEST

Sir—As one deeply interested in the growth and maintenance of amity and friendly feeling between Christianity and Islam, and in seeing the two great creeds working harmoniously, and if possible hand in hand, in the cause of progress in their respective spheres, I venture to trespass on the hospitality of your columns to call attention to the unthinkable consequences of the projected Italian invasion of the Turkish possession of Tripoli. To England the matter is one of serious moment; a hundred millions of Muslims acknowledge her sway and they all take the keenest interest in everything that concerns their fellow-religionists abroad. The fury and hatred to which such a wanton and unwarrantable act of aggression is sure to give rise will react in every part of the Muslim world; Egypt and the whole of Northern Africa will be immediately affected by it, and the work of conciliation and the progress of goodwill will be thrown back by centuries.

Whatever excuse may be urged in palliation of the appropriation of Morocco by France, there is not the slightest for the attempt by Italy to provoke a war of creeds and races by the spoliation of Turkey. 'Her grievances' to which you refer in today's issue of *The Times* are too flimsy to justify the action she progress to take.

I appeal to every lover of peace and goodwill on earth to protest with all his power, before it is too late, against this

flagrant breach of all canons of International morality on the part of a nominally Christian country.

I am, Sir, Yours faithfully,
AMEER ALI

Reform Club,
Pall Mall,
S.W., September 27, 1911

The Times,
Thursday, September 28, 1911

GREAT BRITAIN AND THE WAR

Sir—It cannot be to the advantage of the British Empire to the cause of peace to draw a veil over what is transpiring in the East as a consequence of the war that Italy is waging against Turkey. In this conviction I ask your permission to draw attention to two facts of peculiar significance.

The war is causing immense ferment throughout the Muslim world, and the resentment it has aroused has so far found expression in admirably restrained language. The news of the mass meetings held in British India, South Africa, and elsewhere to protest against the Italian action has not penetrated the principal organs of public opinion in this country ; nevertheless the fact remains that the ferment and resentment are universal and deep.

The other fact is one of more sinister import—the Italians appear bent on giving a religious turn to this singular war.

A little while ago it was reported that the Pope had sent a blessed rosary to be hung on the Italian Admiral's flagship as the harbinger of victory over the Turks ; and now the Apostolic Delegate in his message to his Holiness of the raising of the Cross of Christendom in Tripoli ; whilst only a few days ago an Italian resident in London, lecturing to a fairly large audience is reported to have urged the expulsion of the Turks from Europe and their dispersal over the globe like the Jews. Similar hopes and wishes have been expressed in other quarters.

Now I venture to ask all those to whom the interests of the British Empire are sacred beyond temporary opportunism or the demands of expediency, what is the prospect which

these two facts open up? England has unquestionally the greatest stake in the maintenance of peace in the Eastern world. She has in her charge the welfare and progress of 400,000,000 of people, of whom fully one-fourth are Muslims. As a British subject who has worked for many years past in strengthening the bonds of sympathy between the East and West, I feel that it is of the utmost importance to England for the sake of her great trusteeship, to do all in her power to bring the one-sided struggle to an early termination on an equitable basis. No one suggests that she should go to war single-handed in defence of the law of nations. But I am not singular in believing that the voice which has often spoken successfully against wrong-doing and injustice can still make itself heard without resort to force.

I am, Sir, yours faithfully,
AMEER ALI

Reform Club,
Pall Mall, S.W.
October 9, 1911

The Times,
Wednesday, October 11, 1911

ITALY AND TURKEY—MUSLIM APPEAL TO CHRISTIANS

Sir—May I beg you to extend to me once more the courtesy of your columns to ask the nation how long we are to view immoved and unconcerned the scenes of horror that are being enacted in a part of North Africa which only a few weeks ago enjoyed the blessing of peace? The indiscriminate slaughter, the news of which is telegraphed this morning, the massacre of captures, the killing of women who will not uncover their faces at the bidding of rude soldiers; the 'execution' of non-combatant dragged into the streets, without even the pretence of an enquiry as to this complicity with the firing on the invaders, will send a shock, unless I am very much mistaken, through the civilized world. Were even a

fraction of these acts committed by the Turks, there would have been a howl of indignation throughout the length and breadth of Great Britain. Surely the heart of England cannot be dead to the call of humanity at such deeds by a 'Christian' nation. An avenging Nemesis dogs the steps of wrong-doing injustice; the invaders are paying their way into the desert with their bones for their ferocious methods must in the result recoil on their heads.

The Indian vernacular newspapers received by the last mail are full of war-news and of meetings of protest; the terrible reports of this morning will add to the fury and excitement. We remember how Muslim India was strived at the time of Russo-Turkish war; and we know the feeling that this war-forced on an unoffending people—with its attendant barbarities has aroused among the Muslim subjects of the British Empire. The masses, as in other lands, can hardly be expected to differentiate between the wrong-doer and the innocent; I pray that the hatred against the one may not extend to the other.

Will not the Christian men and women of England, who cherish the noble ideals of their Faith raise their voice against this reversion to the barbarism of bygone days?

I am, Sir, yours faithfully,
AMEER ALI

Reform Club,
Pall Mall, S.W.
October 31, 1911

The Times,
Wednesday, November 1, 1911,
Col. 6d.

THE WAR IN TRIPOLI

Sir—Allow me to express my horror at the mutilation of Italian soldiers by the Tripolitan Arabs, reported in *The Times* of this morning by your Correspondent in Tripoli, and I am

sure my horror will be shared by every Muslim throughout the world.

At the same I desire to protest against his use of the word 'Muslim' in connexion with the atrocities which he saw at El Henni. No Muslim called the Italian 'blood-lust' or 'military exigencies' as 'Christian' atrocities.

In Islam the mutilation of prisoners is emphatically prohibited. I shall only quote here the instructions of the first Caliph of Islam to his soldiers, going to war against the Byzantines, to show how utterly abhorrent these savage practices are to the Muslim conscience:

> See (he said) that *thou* avoidest treachery. Depart not in any wise from the right. Thou shalt mutilate none, neither shalt thou kill child or aged man, nor any woman. Injure not the date-palm, neither burn it with fire, and cut not down any tree wherein is food for man or beast. Slay not the flocks or herds of camels, saving for needful sustenance.

I ventured to predict in the very first letter which you were courteous enough to publish in your columns the ferocious character this war was certain to assume, and as it proceeds I fear the passions that are being aroused will become more and more vindictive.

Will not the British nation even now raise its united voice against the continuance of a war to subjugate a people who have shown themselves so repugnant to submit to an alien rule?

I am yours faithfully,
AMEER ALI

Reform Club,
Pall Mall, S.W.,
November 30, 1911

The Times,
Friday, December 1, 1911
(6 F)

CILICIAN MASSACRES

Sir—Although your views on the Turkish question are opposed to those of the Muslim subjects of the King, you have never refused them a hearing, and I gratefully recognise your courtesy and fairness. Will you permit me at this critical moment in the history both of Turkey and the British Empire to draw public attention to the certain result of the agitation that has been started against the decision of the Supreme Council, not to disturb the *status quo* in Constantinople and Thrace? Many of its supporters have held high office in the State and some of them are destined again to have charge of its affairs, and I am grieved to see that in their zeal they have employed towards their Muslim fellow subjects language calculated to aggravate the present unrest and ferment in India. Lord Bryce, the protagonist of the present attempt to stampede the Government, has in one of his many fulminations, chosen to deride Muslim sentiment as 'shadowy terrors' to recoil before which would do harm to British prestige. I venture to say that British administrators who have been in direct touch with the Indian people would tell him differently. To call the wave of intense and united feeling that is surging over India at this moment a 'factitious agitation' is to deliberately shut ones eyes to the gravest situation that, in the opinion of the wisest observers, has arisen within the last half century.

In 1765 a Muslim Sovereign constituted the East India Company the chief revenue official in Eastern India; in 1802 he delegated to the Company the Imperial authority. Since then the Muslim have formed one of the staunchest elements in the Indian population. In the late war tens of thousands laid down their lives in the cause of England; Muslim princes and magnates responded lavishly to the call for financial and material help, and the people at large gave their best unstintedly. The Army would probably be the first to acknowledge its debt to Muslim soldiers in getting across the Jordan. Neither the soldiers who fought and died, for the princes and people who regarded England's chief enemy as the common foe were told that they were helping in the last crusade and were to work for the eventual destruction of an institution

and an Empire in which they are vitally interested. Had they had any inkling of the psychology at the back of the present agitation, there would have been a great searching of heart on all sides. They are now being told that although British subjects, possessed of the same constitutional rights as their Christian fellow-subjects, entitled to the same consideration in respect of their religious sentiments and political feelings, their feelings and sentiments are of no account, and could and should be trampled upon with impunity and regardless of consequences. What will all this lead to? I cannot help regarding the future of the Empire, of India, and of the East generally, with alarm and anxiety. India is seething with rage over recent 'regrettable incidents'; and here a wild fanatical agitation is set on foot with inevitable result of inflaming the bitterest hatred and animosity on both sides.

On January 5, 1918, the Prime Minister speaking in the name of England and the British nation, nay, of the British Empire, which includes over 100 millions of Muslims, said as follows:

> Nor are we fighting...to deprive Turkey of its capital or of rich and renowned lands of Asia Minor and Thrace, which are predominantly Turkish in race.

This memorable declaration attained its object; it removed the doubts and apprehensions that were gaining ground and assured the steadfastness of the Muslim soldiers; Muslims universally accepted it as a solemn pledge and maintained their trust in England's honour and England's good faith. Are England's honour and good faith of no value in her world-wide Empire? The present outcry should have been raised when the pledge was given to a trustful world in the name of the British nation. It is un-British to take all the advantage out of it and then to turn round and raise a furious hue and cry against its fulfilment. The Muslims would be justified in regarding it as a gross breach of faith which at any other moment would have evoked strong disapproval, and committed by any other nation, would have received just condemnation.

We understand that in an unwary moment, under stress of circumstances, a facile statesmanship promised Constantinople to Czarist Russia. That Russia has disappeared. Over the death of Czarism, England did not weep. Does Liberal

England propose to revive it for the purpose of holding Constantinople or is it intended that city should be entrusted to Soviet Russia?

The plans for wresting Constantinople from the Turkish States and subjecting its Muslim population to Christian domination of one kind or another, or forcing them to expatriate themselves 'bag and baggage' are too flimsy to bear examination. Constantinople is said to have been a cause of discord in the hands of the Turks; the discord was due to the rival ambitions of European States. Is it to be presumed that the last war has cleansed their hearts? If not, is it supposed that an international control would prevent discord among them, or avert the war, which, you, sir, apprehend?

There is one strong consideration for the retention of the present *status quo* in European Turkey which does not, at this moment of religious excitement, appear to be realized. To drive the Turks out of Europe and pen them in within the the plateau of Anatolia would mean that they would be debarred from free inter-association with other nations, would be deprived of all touch with the modern world, and have no chance of development. They would brood in sullen anger over their wrongs and wait for the hour of revenge. This can hardly be regarded as a solution which will bring back peace and good will to a distracted world. Security and good treatment of the Christian minorities in the Eastern districts of Anatolia would be best assured by a generous and not a vindictive settlement with Turkey. It is hardly to be expected that if the Turks are driven out from Constantinople which, as Professor Grosvenor said, is more to them than Paris to France or Rome to Italy, and is regarded as a sacred city by Muslims in general, it would add to their good feelings towards those whose cause has been so violently advocated in England.

The sense of fair play is a predominant characteristic of the Anglo-Saxon race; but in moments of religious and political exultation our appeal to the sense of fair play falls on deaf ears. And yet there are, I know, many in England who would like to hold the balance between accuser and not condemn a race unheard. The Turks have been called 'cruel rulers'; these 'cruel rulers' gave a generous asylum to the Jews from the gibbet and the stake in Spain. They granted

absolute toleration to their non-Muslim subjects when toleration was a word unknown to Europe; they guaranteed to them the full enjoyment of their communal and religious rights. The Greeks, the Armeniams and the Jews have flourished under their 'cruel' rule. They have, no doubt, repressed ruthlessly risings and rebellions, fomented almost entirely from abroad. But is there any nation that has not been ruthless in the treatment of rebellion? When the account of 'terrible crimes' is made up before our impartial jury and the balance is struck, it will not be found to be entirely against the Turks. The reports of the Russian officers in Armenia, of the Allied Commissioners in Smyrna, and of the Carnegie Commission in Europe might, with justice, form the basis of an unbiased trial.

I maintain that Turkey has not been allowed a dog's chance in her endeavours to reform and reorganise her administration. From the latter end of the 18th century she had a war forced upon her at short intervals of 20 or 25 years; in some instances the respite was less. That any nation could survive this perpetual struggle for existence might appeal to a virile race like the British. Turkey again and over again appealed to England for help to put her government in order; her requests were invariably refused in deference to Russia's wishes. The Czarist policy aimed at the destruction of Turkey both in Europe and Asia, and not at her improvement.

I cannot help marvelling at the extraordinary coincidence that brought the reports of the 'massacre' at Marash two days after the announcement in the 'Temps' and other Paris papers, of the French policy in Cilicia. The first account put the number of victims at 700; next day it rose to 7,000; Saturday it fell to 1.500. In the East when an object is desired it is not difficult to achieve it. If a 'massacre' is wanted, it is easy to provoke a collision; an insult to a woman or the desecration of a place of worship sets the racial and religious animosities ablaze. A few people are killed, and the whole world is aghast at a 'massacre'. In the present instance there has been no inquiry as to how it originated, who set it in motion, and how many were killed on the otherside. It, however, serves the purpose in the hands of the propagandists.

I am not an apologist; I have no desire to uphold any criminal, Muslim or Christian, I would raise my voice in favour of any nation, Buddhist, Christian or Muslim which I believed to be the victim of injustice, as in the present instance, I consider Turkey to be. I cannot bring myself to believe that the love of justice and fair play has quite disappeared from the England I have known and loved for over 50 years. Still in that belief, I appeal to the British nation, first of all, not to condemn a people unheard; and, secondly, not to allow the cherished feelings of their Muslim fellow-subjects to be trampled upon and a gulf of bitterness and hatred created between the two great faiths within the British Empire.

Yours faithfully,
AMEER ALI

February 23, 1920.

The Times,
February 24, 1920,
12c/d

MOROCCAN WAR SUFFERERS

Sir—The British Red Crescent Society has received an appeal for medical help to relieve the suffering among the people of the Riff Country, which is especially severe and pathetic among the women and children, who are the chief sufferers in the struggle going on in their midst. In the bombing operations carried on by Spanish aeroplanes they appear invariably to suffer most.

It would be an act of humanity to send a medical mission to these unfortunate people. Besides helping the non-combatant population and the sick and wounded, it would be able to mitigate the hardships of the Spanish prisoners. We regret, however, that the funds of the society are not adequate for the purpose. The Committee, therefore, venture to appeal to the generosity of the public, which, in the relief of human suffering and distress, makes no discrimination of race or religion, for help to send out a properly equipped mission. We feel confident that both the French and Spanish authorities will afford every facility to such a mission of mercy. Contributions are requested

to be sent to the bankers of the society, Messrs. Coults and Co ; 440, Strand, W.C, marked for 'Riff Medical Mission.'

Yours faithfully,
Lamington, Aga Khan,
Ameer Ali

British Red Crescent Society,
18, Sloane Street, S.W. 1.
October 17, 1924

The Times,
October 18, 1924,
p. 8, Col. d.

APPENDIX I

PUBLISHED WORKS OF SYED AMEER ALI

1. *The Turco-Italian War and its Problems* (with appendices containing the chief state papers bearing on the subject) By Sir Thomas Barclay. With an additional chapter on 'Muslim Feeling' by the Rt. Hon. Ameer Ali P.C. pp. 101-108. Published by Constable & Co. Ltd., 10 Orange St. Leicester Sq. W.C. London 1912. BM [1]. No. 8027 cc 27.
2. *Islam*, Published by Archibald Constable & Co., Ltd., 16 Janes St. Haymosteel, 1906, pp. 78. BM. No. 4505 de 23/11.
3. *The Spirit of Islam* or the Life and Teachings of Muhammad. Published by S.K. Lahiri & Co. Calcutta, 1902, pp 440 with Index. BM. No. 04503 f 63.
4. *A Critical Examination of the Life and Teachings of Muhammad.* Published by Williams & Norgate, London, Edinburgh, 1873. BM. No. 10605 df. 33 pp. 346.
5. *The Life and Teachings of Muhammad* or the Spirit of Islam. Published by W.H. Allen & Co. Ltd. London 1891, pp. 677 with Index. BM. No. 4503 ee 1.
6. *Woman in Islam.* Published by the Muhammadan Tract and Book Depot, Punjab, Lahore 1893, pp. 41 BM. No. 4503 c. 25
7. *Islam* by Major Arthur Glyn Leonard, with a Foreword by Syed Ameer Ali. Published by Luzac & Co. 1909, pp. 5-9. BM. No. 4506 eee 23.
8. *Muhammadan Law.* Vol. I & Vol. II (Second Edition.) Published by Thacker, Spink & Co. Calcutta Vol. I, 1892, pp. 684 with index, Vol. II, 1894 pp. 497 with index. BM. No 05318 e 19. (Tagore Lectures 1884).
9. *A Short History of the Saracens.* Published by Macmillan & Co. London 1921, pp. 640. BM No. 0905 / aaa 13.

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1 British Museum Catalogue

10. *A Short History of the Saracens.* Published by Macmillan & Co,, London 1899 pp. 638. BM. No. 9055 bbb 26.
11. *Makhaz-i-Uloom* or A Treatise on the Sciences by Maulvi Karamat Ali, Mutawalli of the Hooghly Imambara. Translated into English by Maulvi Obaid ullah Al-Obaidi Arabic Professor of Hooghly College and Syed Ameer Ali Calcutta 1867, pp. 130. BM. No. 8708 i 29.
12. *The Rights of Persia.* London 1919, pp. 20. (Being the substance of a paper read at the Central Asian Society on 26 June 1918). BM. No. 08023 b 3.
13. *The Personal Law of the Muhammadans.* Published by W. H. Allen & Co. (London) 1880, pp. 431, with Index BM. No. 5318 c 3.
14. *A Commentary on the Bengal Tenancy Act*, by M. Finucane and Ameer Ali published by Thacker, Spink & Co, Calcutta 1904 pp. 872. edited by F.G. Wigley. BM. No. 5310 f 9.
15. *The Law* relating to Gifts, Trusts, and Testamentary Dispositions among the Muslims (Tagore Law Lectures 1884). Published by Thacker, Spink & Co. Calcutta, 1885. pp. 635. BM. No. 05318 e 18.
16. *The Spirit of Islam*, published by Christophers, London 1922. pp. 515. BM. No. 2217 b 12.
17. *The Legal Pasition of Women in Islam*, University of London Press 1912 pp. 47,
    BM. No. 08415 de 41.

APPENDIX II

A LIST OF MODIFICATIONS

Original	*Modified*
Abdul Kader	Abdul Qadir
Adawlut	Adalat
Ahmed	Ahmad
Ahsanoolah	Ahsanullah
Allygurh	Aligarh
Ameen	Amin
Aurungzebe	Aurangzeb
Bahadoor	Bahadur
Behar	Bihar
Bengalee (s)	Bengali (s)
Bhagulpore	Bhagalpur
Brahmin	Brahman
Bunniya	Baniya
Connongoos	Qanungus
Charta	Carta
Chowdry	Chaudhri
Dehkan	Dihqan
Dewan	Diwan
Dewanny	Diwani
Esfsahi	Asafshahi
Feringhee	Farangi
Ferishta	Firishta
Firman	Farman
Furreedpoor	Faridpur
Gholam Mohamed	Ghulam Muhammad
Ghorian	Ghurian
Guzerat	Gujarat
Guzaratti	Gujarati
Hassan	Hasan
Hassan Ally	Hasan Ali
Hassan Maimendi	Hasan Maimandi
Hindoo (s)	Hindu (s)
Hindustanee (s)	Hindustani (s)

Original	*Modified*
Hooghli,	Hooghly
Hussain	Husain
Jageer	Jagir
Kaiser	Qaisar
Kaithee	Kaithi
Kandahar	Qandahar
Kazi (s)	Qazi (s)
Khalif	Caliph
Khillats,	Khilat
Khorasan	Khurasan
Kum	Qum
Mahomedan (s)	Muhammadan (s) Muslim (s)
Mahratta (s)	Maratha (s)
Mished	Mashhad
Midnapore	Midnapur
Mirzapore	Mirzapur
Mohamedan (s)	Muhammadan (s), Muslim (s)
Mohammedan Law	Muslim Law, Islamic Law
Mohun	Mohan
Mookhtears	Mukhtiars
Moorshidabad	Murshidabad
Moslem (s)	Muslim (s)
Moulvie	Maulvi
Mughal	Mughul
Mujtahed	Mujtahid
Munsiff	Munsif
Mussulman (s)	Muslims (s)
Mutasuddis	Mutasaddis
Pergunnah(s)	Pargana (s)
Obuyd	Obaid
Pubna	Pabna
Pundit	Pandit
Pushtu	Pushto
Rajpoot (s)	Rajput (s)
Rajshaye	Rajshahi
Rungpore	Rangpore
Ryotti	Ryoti
Sazawul	Sazawal

Original	*Modified*
Shah Alum	Shah Alam
Shahab-ud-Din	Shihab-ud-din
Shuja-ud-Daula	Shuja-ud-daula
Siraj-ud-Din	Siraj-ud-din
Sirdar	Sardar
Sirkar	Sarkar
Sowcar	Sahukar
Subhadari,	Subadari
Sudder	Sadar
Sudder Ameen	Sadar Amin
Tipoo	Tipu
Tsarist (ism)	Czarist (ism)
Urdoo	Urdu
Vakeel(s)	Wakils
Wakf	Waqf
Zahoor	Zahur
Zimindar (s)	Zamindar (s)
Zilla	Zila

INDEX